

Minutes of a Town Board meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Wednesday, February 20, 2002, at 7:00 p.m.

Present:

Robert Kozakiewicz,	Supervisor
Edward Densieski,	Councilman
James Lull,	Councilman
Barbara Blass,	Councilperson
Rose Sanders,	Councilperson

Also Present:

Barbara Grattan,	Town Clerk
Sean Walter, Esq.,	Town Attorney

Supervisor Kozakiewicz called the meeting to order at 7:03 p.m.

Supervisor Kozakiewicz: "I'd like to call this meeting to order, the time of 7:03 p.m. having arrived. Mark, don't go away. Why don't you lead us in the Pledge of Allegiance?"

(The Pledge of Allegiance was recited, led by Mark Kwasna.)

Supervisor Kozakiewicz: "Okay, is there a motion to approve the minutes of the Town Board meeting of February 5, 2002?"

Councilwoman Blass: "So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilwoman Sanders: "Second."

Supervisor Kozakiewicz: "Moved and seconded. Vote, please."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The minutes are approved."

Supervisor Kozakiewicz: "At this point, what I'm going to do is ask the Board to join me down below and I'm going to ask the Labor/Management Committee to step forward if they would. And I'm going to hand the microphone over to Madelyn Sendlewski to introduce the Labor/Management Committee."

Madelyn Sendlewski: "Good evening, ladies and gentlemen. I am going to leave the ceremonial duties up to the Supervisor. That is the person that this award should come from. But I would like to introduce you to the Labor/Management Committee members that are here with us this evening. That would be Diane Stuke, Matt Hatoff, Sharon Klos, Det. Sgt. Pat Mulcahey, Barbara Grattan, Jake Hansen, Eileen Roman, Jeff Davis, Jim Lull and myself, Madelyn Sendlewski.

We're very honored to participate in this event and now I'm going to turn it over so we can get on with the exciting announcement."

Supervisor Kozakiewicz: "There is a lot of things that I get to do as Supervisor. Some of them are not so nice, but certainly tonight's affair and this particular award is one of those things that I can say I truly enjoy and I think that we're definitely acknowledging and honoring somebody who has done a great job for the Town of Riverhead.

And that person, who is Employee of the Year, for the year 2001, is Ronald Caffrey. Ronald- now, I think there's very few who have probably seen Ron in a tie and not wearing a hat. I'm going to ask, because I understand he has a few family members with him today, if they would come up and join as well. Mom, Joan, would you want to come up and be here as well? Ron's sisters, Mary and Jeanne, yes? Come on. Mark Kwasna is making his way up here- (inaudible)-- and last but not least John, his son, John. John, do you want to come on up? Come on up.

I'm going to say a few words about Ron. Fortunately for me, I've had a chance to know Ron a little bit over the years because his family and my family have some common heritage. He was from a farming family. And I can close my eyes and it's not too difficult to see Ron working the farm at the corner of Horton and Reeves Avenue just a few years back. And there's a lot of things that seem just the same, same hat, the same great disposition, the same smile and the great approach to life. He's somebody who is a hands on guy, a jack of all trades, he can get it done however it needs to get done.

And this is clear recognition of that and it's a clear indication that he's been recognized by all of the other individuals who are associated with him in our little world, the Town of Riverhead world. Congratulation, Ron.

I understand Mark may want to say a few words. Mark?"

Mark Kwasna: "I just want to let everybody know that Ron is my deputy over at the Highway Department and I'm very proud of him tonight. He very much deserves the award. A lot of people don't know that as Deputy Highway Superintendent, you know, Ron doesn't get paid when he comes in for the snowstorm. He doesn't get overtime. And many nights we've been there all night long, many weekends we're there. And Ron's not getting paid. He just gets a set salary for the year. And sometimes I feel bad even calling him up in the middle of the night, asking him to come in because I know that. But I still do it.

Any job I give Ron to do, he gets it done right away. I don't have to ask him twice. I know all the other employees here from the Highway Department, you know, would love to come up here and say the same thing, that he does a great job. But we don't want to take time away from George and Steve and all them because I know the Town Board wasn't want us to do that.

But I just want to congratulate Ron and say it's a pleasure working with you and anybody that has to put up with me should get Employee of the Year every year."

Ronald Caffrey: "Yeah. I want to thank Mark for giving me this chance to, you know, be a deputy. It's been an experience. We have, you know, we have good times. I've got some good employees, some of the best. I've got Sue, Donna in the office. I can count on them to do anything. They know where everything is. I have any questions, they know what's going on. The guys, every one of them, I'm proud of every one of them. They're the best crew I've got up there. That's it. Just thanks. I'm proud of everybody."

Supervisor Kozakiewicz: "Any other words?"

Madelyn Sendlewski: "Just that he gets a day off with pay- "

Supervisor Kozakiewicz: "A day off with pay and a Series E bond as a result of his recognition."

Madelyn Sendlewski: "Thank you, Supervisor."

Supervisor Kozakiewicz: "Okay. You ready, Barbara?"

Barbara Grattan: "Yes."

Supervisor Kozakiewicz: "Reports, please."

REPORTS:

Receiver of Taxes

Total collections,
\$38,606,898.00

Juvenile Aid Bureau

Monthly report for January,
2002

Sewer Dept.

Discharge monitoring report-
for January 2002

Supervisor Kozakiewicz: "Know what? Barbara, why don't we take a two second break just to allow- it looks like he had quite a contingency here. We'll let them clear the room."

Barbara Grattan: "Thank you."

Supervisor Kozakiewicz: "Have a good evening. All right, you ready now?"

REPORTS (cont'd.):

Open bid reports

For meat and poultry which was opened February 7th at 11:00 meat and poultry - one bid was received from J Kings Food Service.

Open bid reports

For food, one bid was received from J. Kings Food Service

Barbara Grattan: "That concludes Reports."

Supervisor Kozakiewicz: "Thank you, Barbara. Applications."

APPLICATIONS:

Shows & Exhibition Permit

Riverhead Business Improvement District for the Blues Festival, July 19th to the 21st

Barbara Grattan: "That concludes Applications."

Supervisor Kozakiewicz: "And Correspondence."

CORRESPONDENCE:

Charlie Floege

Regarding the lack of
staffing in the Code
Enforcement
Handicap Advisory Committee

Jonathan Brown

Regarding East Creek Marina
Sean Egan interest in bidding
on the lease for the use and
operation of this facility

Monique Gablenz
Industrial Development
Agency

The submission of the River-
head IDA for fiscal year 2002

Michael Reichel - letter of
Commendation

Employees recognized are
Richard Bokinz
and John Niewandomski

Lyle Wells and Councilman
Densieski Ag. Advisory
Committee

regarding the need for a
member of the farming
community to be appointed to
the Planning Board

Nature Conservancy

Regarding response for DEIS
for the River Club

Barbara Grattan: "That concludes Correspondence."

Supervisor Kozakiewicz: "Thank you, Barbara. Committee
reports? Any Committee reports? Okay."

Councilwoman Blass: "I would just like to advise or remind
everyone about the Master Plan meeting that is scheduled for next
Tuesday, February 26th in this room, starting at 5:30 to review first
the housing, an affordable housing element, and then a recap of all of
the elements that have been presented thus far. 5:30 in this room
Tuesday, the 26th. Thank you."

Supervisor Kozakiewicz: "Thank you. Any other Committee
reports? If not, the time being 7:12 p.m, I'd like to call the first
public meeting to order."

Public Hearing opened: 7:12 p.m.

Barbara, if you'd read the affidavit of publishing and posting, please."

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York, on February 20, 2002 at 7:05 p.m. regarding the special permit petition of Splish Splash at Adventureland, Inc. to allow the construction of a waterside parking area and tramway upon property located at Route 25, Riverhead."

John Ciarelli: "Mr. Supervisor and members of the Town Board. My name is John Ciarelli. I'm with the firm of Ciarelli and Dempsey and we represent the applicant in this matter which recently- "

Supervisor Kozakiewicz: "I'm going to have to put- stop. We need you to swear. Not swear at us, be sworn, I should say. I'm sorry."

Sean Walter: "Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?"

John Ciarelli: "I do."

Supervisor Kozakiewicz: "Okay."

John Ciarelli: "They recently had an opportunity to buy a 32 acre parcel of land between two other parcels of land which they had previously owned, purchased and developed, and that gives the applicant the opportunity to accommodate customer traffic and customer park usage needs."

At this time, I'd like to introduce Chip Cleary who in addition to being the operator and manager of the park for the last 11 years, recently completed a term as a member of the Board of Directors of the International Association of Amusement Parks and Attractions and is fully conversant with water park and amusement park management issues and customer and traffic management. And he'll explain this application to you."

Sean Walter: "Mr. Cleary, could you state your name and address for the record?"

Chip Cleary: "Sure. My name is Chip Cleary. My address is 285

Miller Place Road, Miller Place, Long Island, New York."

Sean Walter: "Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Chip Cleary: "I do. Just a brief history. In 1990, we purchased the original site where Splish Splash was developed which contains the rides and a large parking area. The parcel adjacent to it, when we found out that Splish Splash was rather successful, has been used over the years as parking already on the grass for buses, employees on big summer days.

In 1995, the parcel to the west of us, the 32 acres, came up for sale. We purchased the 32 acres. We came before the Town Board and got a special permit there to build a parking complex and to operate a tram system to move the people from that parking lot back down to Splish Splash which requires us to move the trams up and down Splish Splash Drive.

Last year, we were able to reach an agreement and we purchased the 32 acres in the middle which we've been trying to purchase for a number of years. I'm happy to say we came to a conclusion on that.

What we're trying to do is connect the original Splish Splash and the parking lot that you see down the street which was designed for all of this when we originally came up with it, we're going to connect the tram road from the parking lot- the western parking lot to the original Splish Splash which will take the trams off of Splish Splash Drive. Which we'd like to do because the trams only go 15 miles an hour, no matter how fast you step on the gas pedal and the public seems to drive slightly faster than the trams. So we don't really like them being mixed together. So that's the first order of business is to get the trams off there.

We would also like to connect a driveway through so that all traffic would enter at the newer parking lot down the street which was designed for all of this. They would come across this road and go into the old parking lot there and as we get full, we would just naturally back up along there.

We've also taken a few things we've learned and put some bus parking in that new area between the tram road and the new driveway and some other parking spaces.

And finally the back end of- our most popular ride at Splish

Splash is the Mammoth River. It's the five passenger family raft ride that everybody rides on, and that's been there since 1991 and every year the biggest number one complaint machine is that the wait to get on that ride is excessive. That's my number one thing in the summer is answering letters why they have to wait 35, 45 minutes to get on the Mammoth River. So we would like to put another Mammoth River ride in that will allow us to split the line up so that we can take half the- you know, if you go to Space Mountain at Disneyworld there's actually two roller coasters in the same building. I mean, you might not realize that, but there's two and they kind of sneakily send half the people to the left and half the people to the right and they both have the same track. So this is to dilute the length of time on the original Mammoth River which is way too long for acceptable methods.

That's basically it. It's going to clean up a lot of things that we've had to live with for the last five years and I think the biggest thing is getting the trams off of Splish Splash Drive and that will basically take just about all traffic off Splish Splash Drive. You'll pull in, you'll be on our property right from the beginning and will go.

On a happy note, the Discovery Channel, Travel Channel ran a TV show, a national TV show with America's top ten water parks and good old Riverhead, we came in number 5 in the nation, Splish Splash which we're very proud of because in the top five is the Walt Disney Company which has a bigger credit card than I'm ever going to have, and Anheiser Busch which certainly has a lot more beer money to spend on their water park than we do. So we're very, very proud. That's going to be announced. And the show has been on a number of times. It's going to be on this spring and we're going to get a trophy, an award, which we hope to share with everybody this year.

So, basically this is the Splish Splash act for the last 11 years. We employ 700 kids now during the summer. We have a payroll that has grown in the summertime to absolutely amazing levels and probably 80% of our kids are- that work here come from about a 10 or 12 or 15 mile circle around the park.

So that's what we're trying to do and we're trying to do it for the summer which is vastly coming upon us. So if I can answer any questions, I'll be happy to do so."

Supervisor Kozakiewicz: "Any questions? Barbara, anybody? Okay. Is there anybody who would like to address the Board with respect to this special permit application? Steve Haizlip."

Chip Cleary: "My friend, Steve. I think he was here on the first night 11 years ago, too."

Steve Haizlip: "I was."

Sean Walter: "All right, Mr. Haizlip, would you state your name and address for the record?"

Steve Haizlip: "Steve Haizlip, Edwards Avenue, Calverton."

Sean Walter: "Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Steve Haizlip: "That's all I've been doing all my life."

Sean Walter: "Thank you, sir."

Steve Haizlip: "One thing that I'm glad that Chip is doing. When they first come there in 1990, I just retired that year and the Splish Splash Drive which they later named, they (inaudible) in front of the Yakaboski's houses, people were parking all over that road, right side, left side, out in the fields and going out on the highway in the wrong direction and so now that he's got this extra land and he's going to put that drive in between, this is a good move and that road will be cleared up and traffic can move along just fine without any banging up fenders and so forth. So this is a good move and I'm for it. And he hasn't given me no trouble since he's been there and nobody else I don't think."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board either for or against? Yes, Rolph Kestling."

Sean Walter: "Name and address for the record, sir?"

Rolph Kestling: "Rolph Kestling, Wading River."

Sean Walter: "Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Rolph Kestling: "I do. I really want to take this opportunity to ask Mr. Cleary when can I fulfill my promise about the ice skating rink to my nephews? My grandchildren, beg your pardon."

Chip Cleary: "I'm like a farmer. Every year I go, eight months

of the year I don't make any money and to be honest with you as- if everybody remembers, a number of years ago, I put a proposal in to build an ice rink. The ice rink- when we actually designed it, was like sticking 10 pounds of something in a five pound bag and it was not going to really on that original parcel.

I don't want to be somebody that looks into the future because I live year to year on how we do during the summer but if we do well, I would expect sometime now that we have enough property, to come back to the town and talk- and see if the town was interested in an ice skating rink. But I hate to, you know, I'm in a business- in the year 2000, it rained every weekend, it was cool, I don't know if anybody remember that. And, obviously, I still have 700 kids that have to get paid and it's an interesting phenomena.

This past year we had a wonderful year so my promise would be that I would like to see this, too, in the future, but I don't want to get up in front of somebody and promise a date because it's going to take a little bit of time. I've just purchased a large piece of property and I'm investing a lot of money in it but if the town so wishes in the future and the town is interested, I think we would be interested but that's a little bit off in the future."

Rolph Kestling: "Okay, okay, thank you very much. There's a lot of people wanted to know that. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board either for or against this particular matter, special permit Splish Splash? John."

John Ciarelli: "Mr. Supervisor, I just want to say that we have complied with the town engineer's requirements with respect to the modifications of the site plan. The ride has been landscaped and that has been identified on the site plan in response to a request by the Planning Board. The evidence before you I submit clearly shows that this application meets all of the general and specific standards of 108-3 of the town code. We respectfully request that it be granted as soon as possible."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board? If not, I declare the public hearing closed the time of 7:23 p.m. having arrived. Oh, Chip, do you want- "

Chip Cleary: "I just want to say after 11 years, it was very- you know, when the Discovery Channel called us up and told us they

were coming and they asked, you know, 10 years ago, I guess what I'm trying to say is when people would say Riverhead- I would say Riverhead, they'd go where? The Discovery Channel knew where we were and the people in California had- knew of the park. And so I just want to tell everybody I'm just as proud to be Riverhead and Splish Splash is very proud to be here in Riverhead and so we share this with our 700 kids that are working for us during the summertime and all of you out there. We really appreciate it and we hope to do great things in the future and we thank you for your confidence in us."

Supervisor Kozakiewicz: "And thank you, for everything you've done to put Riverhead on the map. And with that said- "

Barbara Blass: "For the right reasons."

Supervisor Kozakiewicz: "For the right reasons, okay. And with that said, I declare the public hearing closed, the time of 7- oh, oh, one hand coming up. Is this on this hearing? No? Okay. You can bring the card up but I'm going to declare the public hearing closed, the time of 7:24 p.m. having arrived."

Public Hearing closed: 7:24 p.m.

Public Hearing opened: 7:24 p.m.

Supervisor Kozakiewicz: "The time still being 7:24 p.m., Barbara, would you read the affidavits of publishing and posting for the next public hearing?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on February 20, 2002, at 7:10 p.m. regarding the consideration of a proposed local law to amend Chapter 101 of the Town Code entitled Vehicles and Traffic, Section 101-19 Parking for Handicapped, area, Second Street."

Supervisor Kozakiewicz: "Yeah, this is an outgrowth of the Handicapped Committee and it's to add a handicapped- one handicapped space as I understand it, which would be located at Second Street near the law offices."

Councilman Densieski: "Second Street- next to the Second Street post office which is not handicapped accessible."

Supervisor Kozakiewicz: "Oh, okay, that's right, by the post office."

Councilman Densieski: "It also will have a curb cut so somebody can take a wheelchair and actually go up on the curb. You won't get much farther than that because the post office is not accessible yet."

Supervisor Kozakiewicz: "Okay. Saying that, anybody who would like to speak with respect to this change to 101? Yes, Warren McKnight."

Warren McKnight: "Basically, have you checked with Mike Caraciola- yes, I swear to tell the truth, by the way."

Supervisor Kozakiewicz: "We don't have to have you sworn."

Warren McKnight: "Okay, okay. In reference to the Department of Social Services, the number of people who are handicapped, are on handicapped assistance? He can help you with that. In other words, to supply data to the post office and to the federal government of how many people in Riverhead are on disability who are handicapped? Because if you took in the zip code, 11901, which covers this side of the river and the other side all the way down to Flanders, you'd find at least, I'd say it would be in double digits and conservatively speaking, I'd say at least 20% of the people in that zip code, 11901. Maybe even more. So- "

Supervisor Kozakiewicz: "So I take it you're in favor of us adding or providing for handicap space at that location and then, of course, I know you're asking to speak later on this issue. I assume this is what you- you wanted to come up later during the open comment period and talk about handicap access at the post office?"

Warren McKnight: "Perhaps, too."

Supervisor Kozakiewicz: "Okay."

Warren McKnight: "But I'd like to get it all over with, you know, really."

Supervisor Kozakiewicz: "And get on your way."

Warren McKnight: "Exactly."

Supervisor Kozakiewicz: "All right."

Warren McKnight: "But the biggest thing is have you contact the Southampton Town Board in relation to this matter? Because a large part of their, you know, a part of their constituency is in zip code 11901."

Supervisor Kozakiewicz: "I can't say that I have. I have talked to Congressman Grucci about this particular subject many times and as you know I also had followed up with the investigation that you had brought with respect to the Second Street location involving the post office and had received correspondence back recently. I don't know if you received a copy as well concerning the National Act, the Barriers Act."

Warren McKnight: "Yeah, well, the letter was sent to me and a copy was sent to Felix Grucci and to you."

Supervisor Kozakiewicz: "Right."

Warren McKnight: "Yes, but the biggest thing is as Eddie said nothing is being done and, you know, it's- the only thing I've got to say is people are not voting and everything else. This is a web- this is from the President's website and I'd like to read it for the matter of the record. And this is- I got this in June."

And it says here that he has, oh, let's see, how many areas here? One, two, three, four, five, six areas he wants to improve for the handicapped in this country and one- and the last one is promoting full access to community life. I know the Handicapped Committee, a number of people have been calling me and I've been calling them. They have sent letters to the President and to their handicapped committee and have not a response. And I know everyone here is trying, you've been dedicating yourselves to the town for decades but nothing is happening here and in all due respect to our Congressman, he has taken a passive role in this."

Councilman Densieski: "Warren, I disagree with you there."

Warren McKnight: "Tell me, tell me."

Councilman Densieski: "The Congress has taken a very active role and so has the Handicapped Committee. We are actively working on it and I believe that we will succeed within a certain amount of time."

Warren McKnight: "Okay. I didn't say the Handicapped Committee

wasn't. And I- the only thing that was frustrating, why I say that Felix Grucci is taking a passive role in this is the fact that I have received nothing in writing stating that this is not right. It's not moral. It's not ethical. It's just not doing the right thing, and that's all I want from-- saying from him. That's a very simple statement. It's not- you know, and that's what's frustrating and this is what's frustrating, too. And the fact is that- "

Supervisor Kozakiewicz: "I see. I'm going to stop you. I see Mr. Tria taking notes and I understand that the Congressman will be on his radio station tomorrow. I'm not really meant to give RIV a plug, but you'll take this up with him tomorrow, right?"

Mr. Tria: "How did you guess?"

Supervisor Kozakiewicz: "All right."

Warren McKnight: "Okay. I'm going to be closing off and everything else but it is so frustrating because so many of you have helped the handicapped over the years. Jim Lull was one of them. And, you know, and to see the same people trying to make their lives better year after year and decade after decade is very disheartening and that's why we're frustrated. And to hear the same thing over and over and even with Mr. Duffy, more funds. I've heard that from Mr. Suprina. I heard it back 10, 20, 30 years. Riverhead- I'm closing up right now.

The biggest thing is if and when they put a ramp in that's only temporary because once the SCNB opens up it's going to be a clear and present danger for traffic there, for everybody in that post office. We should have the other post office down there and once that one's open we should be getting a traffic light or something.

And I'm closing off now, I keep on saying that, I'm not. But the fact is I've seen so many good traffic improvements in the town which is fantastic, all around. I mean, down 58, down Roanoke Avenue and everything else. But let's, let's- I think we all have to try harder because why do we have to try harder? Because nothing has been done. It's been a year, going on a year and a half. And we- and since nothing's been done, we haven't succeeded. This is a step, you are doing your part but we still have to try harder and, yes, so does Mr. Grucci. He just has to come out and say it's wrong. That's all I'm asking, Ed, is for him to do that."

Supervisor Kozakiewicz: "Okay."

Warren McKnight: "To say it's wrong."

Supervisor Kozakiewicz: "Anybody else who would like to comment on the establishment of a handicapped parking space on Second Street in front of the post office? Steve Haizlip."

Steve Haizlip: "Steve Haizlip of Calverton. I would like to ask Ed when he's talking about a curb cut, you mean you are going to take some of the sidewalk and bring it right up to the steps?"

Councilman Densieski: "No. It would just be a- it would be- instead of having a curb, like about an eight inch curb, I think it's about a six- eight inch curb there, it would be a ramp type situation so that if you were in a wheelchair, you would be able to just- "

Supervisor Kozakiewicz: "You don't have to go over the top of the curb."

Steve Haizlip: "Oh, oh, I get you, like they got- "

Councilman Densieski: "You wouldn't have to go down the road, up the driveway, and then back down- "

Steve Haizlip: "Yeah, like they got up at the bank and the Produce Warehouse. All right. Thank you very much."

Supervisor Kozakiewicz: "Right. Anybody else who would like to comment, either for or against the proposed change to Chapter 101? No? Declare the public hearing closed, the time of 7:31 p.m. having arrived."

Public Hearing closed: 7:31 p.m.

Public Hearing opened: 7:31 p.m.

Supervisor Kozakiewicz: "The time still being 7:31 p.m., Barbara, I declare the third public hearing open and would you read the affidavit of publishing and posting, please?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on February 20, 2002, at 7:15 p.m. regarding the consideration of a local law to amend Chapter 108 entitled Zoning site plan, Section

108-129 Review authorized, approval required; penalties, issuance of permits and certificates of occupancy; expiration."

Supervisor Kozakiewicz: "Okay. I hope I can put this in some synopsis of what we're looking to do. 108-129 is our site plan provision. We're looking to add a new subsection "f" which deals with violations of an approved site plan.

And what it sets forth in the- in sum and substance in Subsection 1 or part 1 is that it's unlawful for anybody to maintain, construct, alter, repair, demolish, equip or change any real property building or structure or portion thereof which is contrary to and in violation of an approved site plan.

If there- the next section states that for each and every violation that should occur to an improved site plan, the owner or general agent of that building or premises where the violation has been committed, shall be subject to a violation and subject to conviction thereof by a fine or penalty which would not exceed \$1,000 for each and every violation.

We also set forth a separate sentence which states each day that such violation continues shall constitute a separate and distinct violation of the approved site plan.

That's it. It's two sections and a subsection- two parts to subsection "f" which is being proposed to be added to Chapter 108, the Zoning ordinance.

Anybody who would like to address the Board either for or against the proposed change? Not seeing anybody raise their hands, close the public hearing the time of 7:34 p.m. having arrived. I think it took me longer to describe it."

Public Hearing closed: 7:34 p.m.

Public Hearing opened: 7:34 p.m.

Supervisor Kozakiewicz: "The time still being 7:34 p.m., Barbara, would you read the affidavit of publishing and posting for our last public hearing?"

Barbara Grattan: "I have affidavits of publishing and posting

for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on February 20, 2002, at 7:20 p.m. regarding the consideration of a local law to amend Chapter 97 entitled Trespassing, Section 97-2 Penalties for Offenses."

Supervisor Kozakiewicz: "This is a change to Chapter 97. As I understand it, it's to increase our fine or penalty phase from- "

Sean Walter: "From \$50.00 to \$500.00."

Supervisor Kozakiewicz: "Anybody who would like to address the Board with respect to the proposed change to Chapter 97 of the Riverhead town code? Steve Haizlip."

Steve Haizlip: "Steve Haizlip of Calverton. Hey, this seems to be a big jump from \$50.00 to \$500.00 on a trespassing. What- could you explain a little bit? What do you mean by trespassing? Is this on town property or private property or- "

Supervisor Kozakiewicz: "It would be on town property and you've got to understand also that there is a Penal Law provision which is set forth in the State law which is also- has varying degrees of trespass. There's simple trespass, there's misdemeanor levels, and I think generally speaking when somebody is caught trespassing on someone's property, with the exception of it being town property, they would be looking at a New York State code violation as opposed to a town code violation."

What this does is it gives us one more tool when we're out looking to enforce our code provisions, to bring a local ordinance violation and just one more tool. So it is a big jump, yes. But it's not totally out of line with- or at all out of line with the state code where a person could face up to- a period of imprisonment or could face up to a \$1,000 fine for a misdemeanor level of trespass."

Steve Haizlip: "It's more of a deterrent then, in other words, for- like Stotzky Park and the parking lots and so forth and the burglars going through it and people trying to ransack cars and so forth."

Supervisor Kozakiewicz: "Well, if someone is doing that, that's criminal mischief and that's certainly something else they would be subject to punishment."

Councilman Lull: "Steve, you mentioned this is really a serious

jump from \$50.00 to \$500.00. I believe \$50.00 fine was first published in the town code in 1936 and hasn't been changed since. Okay?"

Steve Haizlip: "Oh, oh. Yeah. And the criminal deal can also have the trespassing charge added to it."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board with respect to the proposed change to Chapter 97? No? I declare- oh, anybody? No? I declare the public hearing closed, the time being 7:40- no, 7:37 p.m."

Public Hearing closed: 7:37 p.m.

Supervisor Kozakiewicz: "That concludes our public hearings. Correct? All right. This is the open time period. We have a five minute rule. Before we go into that- because I know sometimes resolutions are commented on, we have a couple of tabled resolutions which, Barbara, do you have those here, just so we can comment on them.

One of them was a resolution that deals with Reeves Golf which we anticipate may come off the table. We anticipate it coming off the table. It had been tabled two meetings back I believe. There's a resolution that's proposed to come off the floor. It's one that involves an increase to one of our computer consultants by the name of W.F.T. Data Services where their hourly rate would be established at \$75.00 an hour. There's a copy of it in the book outside. And the other one that was tabled was setting and re-establishing terms and conditions of employment of the Town Attorney. It is going to be further amended so that the vacation time will not be that proposed in the resolution. It will be amended to reflect her present vacation time. So there will not be any change in her terms and conditions as far as vacation days. So it will be amended to reflect that.

Saying that, I have a couple cards. Warren, do you- is Warren McKnight still here? Okay, he left. Steve Haizlip."

Steve Haizlip: "Steve Haizlip of Calverton. I want to renew your memory on my proposal that I put in and I was just talking to Ron Caffrey today about it. Reilly Avenue turn radius going northeast, and Ron was there and he looked at it and he sort of agreed that the curb should be- radius towards the old tree more. And so I want to

bring that to mind so you can work on it and maybe it's been, I think it's been around like two years in May."

Supervisor Kozakiewicz: "In particular, you are proposing that the alignment of the road be changed to- "

Steve Haizlip: "No. I submitted a drawing on it."

Supervisor Kozakiewicz: "Okay."

Steve Haizlip: "And it should be somewhere in this Town Hall."

Supervisor Kozakiewicz: "That's my fear when you said somewhere in his Town Hall, okay. Because I know that one of the things that we wanted to do was have a particular Board member follow up. Jim, this is a highway matter, would you follow up with Mark and Ron Caffrey to get a reply back to Steve on this? Okay."

Steve Haizlip: "Jim is well versed on it."

Supervisor Kozakiewicz: "Right."

Steve Haizlip: "Okay. And the- I inquired about the stop light at Edwards Avenue and Sound and- "

Councilman Lull: "It's coming."

Steve Haizlip: "-- it will be coming like spring. So that was like two years and three or four months so they always say when you work with government it's like slow as seven year itch and six years behind on the scratch.

Now, you are talking about this hearing about these site plans and people doing things that they wasn't supposed to do until they got the site plan approval. I couldn't very well speak on that because what I've got in mind on Route 25 east of Stoves and Stone, Gallio (phonetic) they pushed up dirt all the way along Route 25 and in the back. So I didn't see no permit posted where they could do this. So I went to the Building Department and checked and they had an excavation permit but it wasn't posted along the road. So you know what they was doing or what was going on. And I have found this to be true with Federal Express, they didn't have it up and so when I inquired about it, then they got up. So shouldn't that permit where they're excavating or starting building, be up there immediately?"

Supervisor Kozakiewicz: "You're right. There's no question. When we issue a permit generally speaking, well, I shouldn't say generally. My understanding is whenever a permit is issued, they get a plaquard and they are told that the plaquard is supposed to be displayed conspicuously and I stress that word conspicuously on the property. But it's not all too common that we don't see the permits go up. As a matter of fact, one Sunday I happened to be up at a subdivision and I saw a whole extension going on a house and I said, uh oh, here's somebody putting an illegal extension on a house. And I left a message with the Building Department and they, too, had a building permit. But like your case, they didn't have it up there."

Steve Haizlip: "Right. My last item here is on this Resolution 167. This is going to give me the opportunity to speak and feel and exercise my free speech towards Hess gas station at Exit 71 where Mr. Grucci sent his henchman and run my hotdog friend out of there on account of competition. And now I don't want to paint all Republicans with a broad brush but since this Rayco deal and that deal, there's some bad elements in it."

Now, they've been hollering about competition. The (inaudible) had him run out because he didn't want no competition. And yet, he was- had the distance that was required in Chapter 36, I believe. Now they're hollering here about this Lowe's competition, competition. You know, there's competition all over this country, in stores side by side, gas stations on the circles, if the guy wants to come here, he wants to put it in take the chance of making money or he don't make money, that's his (inaudible), he's paying for it. And I don't go with this here running people off on account of competition and that's just what Grucci did to my hotdog friend and Mr. LaValle is following right behind him. And I checked and Hess Corporation has nothing to do with it."

Supervisor Kozakiewicz: "Thank you. Vanessa Astrup."

Vanessa Astrup: "Good evening. My name is Vanessa Astrup and I'm part of the- "

Supervisor Kozakiewicz: "And you reside where?"

Vanessa Astrup: "East Quogue."

Supervisor Kozakiewicz: "Okay."

Vanessa Astrup: "And I'm part of the Citizen's Cable Advisory

Committee for the town of Southampton. I want to know how far along you guys are as far as doing negotiations with Cablevision."

Supervisor Kozakiewicz: "We have talked to them about the resolution in order to deal with the question of breaches and the senior citizen discount."

Vanessa Astrup: "Okay."

Supervisor Kozakiewicz: "And they have indicated an interest to do something and I can't- obviously since it's in negotiation at this point, reveal the specifics of our negotiations with them on this point. The bottom line is they have to cure that past breaches which involves most significantly, I think, for our citizens of the town of Riverhead, the senior citizen discount. And- "

Vanessa Astrup: "What about- "

Supervisor Kozakiewicz: "-- taking care of the future to make sure that the senior citizen discount is put in place. The rates keep going up and I think that's an important issue and I think that that's what we need to address, what affects our residents, not necessarily special interests. I want to make sure we can somehow offset the increasing cost and the rates that they're dealing with as far as Cablevision is concerned."

Vanessa Astrup: "I think you've (inaudible) also incorporating that with the two- my other question is what about channel 71? Because I know on September 16, 2000, they wrote you guys letters saying that they were going to implement channel 71 starting- I don't remember when they said they were going to start it, and that was two years ago and they still haven't done it. And Bruce said- "

Supervisor Kozakiewicz: "Yeah, instead they've given us channel 59, 24/7."

Vanessa Astrup: "No, no, no. Channel 59, no, that's different. That was from the mayor of Southampton and he got that because he re-did his franchise agreement with them. So that doesn't count as the extra channel they were going to give us. That doesn't count."

Supervisor Kozakiewicz: "The fact that we have one doesn't count?"

Vanessa Astrup: "No, because that- "

Supervisor Kozakiewicz: "The one that we- the fact that we have it available for our use to fill up and provide- "

Vanessa Astrup: "No. Because that's not for public use. It's only governmental and education."

Supervisor Kozakiewicz: "There's the main issue that we have to justify and determine with our attorneys who's right and who's wrong on that one, right?"

Vanessa Astrup: "Right. But in their franchise agreement though they also said- in our franchise- or the one with Riverhead and also I think the one with Southampton, it says that after eight hours if the channel was filled, that we would be promised another channel. And they promised- "

Supervisor Kozakiewicz: "The town of Riverhead residents would be promised another channel. Correct."

Vanessa Astrup: "Right. So then where is it? Because they already said they were going to give it to you and then Senator Bruce- Senator leader Bruno, Republican, he said that a channel like 71 is worth of \$30 million dollars a year and Cablevision still hasn't given it to us. So that's \$30 million dollars of your guy's money, so that's all of your guy's money and Cablevision is using your channel for porno instead of giving you guys an extra channel."

Councilman Lull: "Excuse me. You are talking to the Board, not to the- "

Vanessa Astrup: "Sorry. I just figured that maybe they might want to know. Because I keep talking to you guys and I feel like I'm talking to you but I'm talking to the wall because you're not listening like I don't know what it is. I don't know what Cablevision is doing with you guys or what they're giving you but, you know, I feel like I'm talking and I'm talking and you- "

Supervisor Kozakiewicz: "The bottom line is that we have an attorney, an attorney who is well versed in Cablevision law- "

Vanessa Astrup: "Right."

Supervisor Kozakiewicz: "-- Lieb & Associates (phonetic), and we have demanded that the senior partner be involved in all the discussions. We do not want a first year law student; we do not want

a first year associated. We want to make sure that what we're getting is what we anticipated receiving, i.e., somebody who has the ability to tell us who's right and who's wrong. Because we get obviously a lot of lobbying from different people telling us what's the right issue, what's the wrong issue. And I'm going to listen to the attorney who's done franchise agreements all around the country. I think that's what we owe to our citizens."

Vanessa Astrup: "Oh, yeah. And i.e., also if Cablevision sends you a letter saying that they're going to give you an extra channel like they owe you in your franchise agreement, that's also relevant, too, and I think that's right but I'm glad you're going to find somebody to look into it because facts are facts and truth is truth. So I don't think I have to defend any of that.

So, actually rumor had it that you were going to rescind on those two- on those two resolutions. Is there any truth in that?"

Supervisor Kozakiewicz: "There is no- I just announced the resolutions that are going to be addressed today."

Vanessa Astrup: "Okay."

Supervisor Kozakiewicz: "All of them that are in the packet- "

Vanessa Astrup: "I don't mean today. I don't mean today. I just mean like in general. Are you going to- "

Supervisor Kozakiewicz: "The bottom line is the resolution we adopted spelled out that we had to deal with the past breaches and that's what we have to deal with. Okay? And then, of course, in conjunction with that, if we can get that accomplished, then we have to get a senior citizen discount in place with an agreement that has some teeth in it so that there's penalties if there's a violation or breach. As opposed to an agreement that doesn't specify what the penalties are if there are breaches.

That's the problem with the old agreement. It does not specify what the penalties are. There's no penalty. So if we can get through this phase, get the past cured, we should then put forth an agreement that not only puts forth the terms and conditions that serve the Riverhead town residents, but also provides teeth and measures by which we can exact punishment from Cablevision should they fail to live up to its terms and conditions."

Vanessa Astrup: "Good. So the things that you're going for then is the senior citizen's discount and channel 71?"

Supervisor Kozakiewicz: "I'm going to say that we're going to do what is best for our residents of the town of Riverhead. And if that means channel 71, yes. If it doesn't, I'm going to- with all due respect to the public access television producers, do what's best for the residents of the town of Riverhead."

Vanessa Astrup: "Well, how would that not be best for them though because they get to use that channel? That's their channel. So you're telling them that you know what's best for them that they can't use it?"

Supervisor Kozakiewicz: "I'm not saying that. How many Riverhead residents, you know, I guess the question is- we'll have to have a public hearing on a franchise agreement. Yes or no?"

Vanessa Astrup: "Yes, I would think."

Supervisor Kozakiewicz: "Okay. So if there's anything that's shortcoming as far as public access and otherwise if we get to that stage, there will be an opportunity to tell us at that point. Yes or no?"

Vanessa Astrup: "There is."

Supervisor Kozakiewicz: "Yes."

Vanessa Astrup: "Okay, thank you. Have a nice night."

Supervisor Kozakiewicz: "You, too. Henry Danowski, please."

Henry Danowski: "I'm Henry Danowski. I live on Oliver Street. I'd like to know if we're going to get that light on Oliver Street or not."

Supervisor Kozakiewicz: "Rose. I know Rose said she'd volunteer. She actually went out there, did some investigation, and I think she's still working on it, correct?"

Councilwoman Sanders: "Yes, I'm still working on it but I did contact Lewin Medical Supply and they indicated that that fence was not theirs, because I wanted to see if they'd be willing to at least put a temporary solution to the problem which might be some reflective

lights or something to illuminate that area until we were able to address it with maybe, not a lamp post or a street light but some lighting in that vicinity. So we are working on it, have been making phone calls, and I still have your name, telephone number and address from the last time."

Henry Danowski: "Okay, thank you."

Supervisor Kozakiewicz: "It's definitely being addressed and looked at and, hopefully, we can get a solution. Maybe it's also some kind of signage there to help people realize where that entrance is. Because I rode by again this morning thinking of it."

Henry Danowski: "Good idea. Bob, the other thing is I want to talk about, it's a little early now, but when you want to go to the beaches in Southampton or Southold, you should see the price that you have to pay in order to get to the beach there. It's anywhere from \$100 to \$150 to either town. And the town of Riverhead, where do you charge people for outsiders?"

Supervisor Kozakiewicz: "Mr. Danowski, I think we just authorized a- we passed a resolution to provide for the increase in various fees involving beaches and Chapter 48. I think it's the first meeting in March, March 5th, it's on for a public hearing."

Barbara Grattan: "It's coming. It's coming."

Supervisor Kozakiewicz: "So, you know what? Rather than guess, can we get you a copy of that proposed changes in law so you can see what they are?"

Henry Danowski: "Sure."

Supervisor Kozakiewicz: "Because we did, in fact, take a look at that, looked at what other jurisdictions are charging. For example, for a daily beach fee and a daily pass, and we realize that our numbers are just not there and that may contribute to some of the problems we have with congestion and the inability to have everyone fully access the beaches."

Barbara Grattan: "I'll go get a copy of that, Bob."

Henry Danowski: "And not only that, Bob, but, you know, when you have such a low price on parking facilities, you get people like from Jersey, you know, and it really aggravates me because I feel,

jeez, don't they have any beaches in Jersey that they can go to? Why do they have to come to Long Island and dirty our beaches, you know, and then we have to pick up their garbage. And I feel that if we have a certain price just like everybody else around here, Southampton and Southold, that maybe will eliminate some of this."

Supervisor Kozakiewicz: "And maybe if they pay a little more they respect it."

Henry Danowski: "That's right. That's it. Thank you very much."

Supervisor Kozakiewicz: "You're welcome. Pastor Woodson. He left? Roseann Astrup."

Roseann Astrup: "I'm Roseann Astrup from East Quogue. I just want to say thank you for passing those two resolutions to Cablevision and also for addressing Vanessa's- all her questions and also I believe (inaudible) will be seeing you this week along with your town attorneys because we will be working closely with him with Cablevision, too, because we want the right thing done also."

Supervisor Kozakiewicz: "Yeah. Just to follow up on that. One of the things that we have done is we hired Lieb and Associates and we did that as a result of looking to combine our efforts with Southold township knowing or very much believing that the more people involved, the more cable access users or end product users that we have involved, the more bargaining wherewithal we have. And we certainly would look to speak with Mr. Suskine (phonetic). I'm going to tell you one thing, we're not going to share with him all of our legal research unless they somehow reimburse us, but certainly we're willing to talk to him and explore getting all three towns on the same page and agreeing that we all not act until we're all satisfied with what we're hearing from Cablevision."

Roseann Astrup: "Great, excellent. Thank you very much. I appreciate that."

Supervisor Kozakiewicz: "Thank you."

Councilman Densieski: "There's strength in numbers."

Roseann Astrup: "Yes, absolutely. Thank you."

Supervisor Kozakiewicz: "Robert Goldberg."

Robert Goldberg: "Good evening. Robert Goldberg. I'm from Jericho in Nassau County, and I've come to also address public access cable policies. I have the benefit of the two young women who spoke before me and I won't belabor the points they made.

I want to commend the town of Riverhead for having, I think, the most active public access community on Long Island. In Nassau County until about two years ago, we had virtually no public access. Now we're quickly catching up to what you have. We have a channel that's almost completely full. Many times I can't get a program on until after midnight. So I appreciate the residents here wanting to have sufficient channel capacity for the community's use.

And when you consider who the constituency for public access channels is or are you have to also consider the viewers. I find many, many people stop me and say that was a great show, what are you doing next week and so on. A lot of people like the option of having some alternative programming.

Aside from the idea that commercial channels are unlikely to have certain categories of programming on- they're unlikely to get sponsor for things that criticize products that are out there that may be unsafe or for which there are less expensive alternatives and having a public access channel gives us that.

First, I want to also commend you for challenging the (inaudible) access rules which weren't mentioned, the access rules by which the public can common use the channel. I've done that in Nassau County. In fact, I have a lawsuit against Cablevision and the town of Oyster Bay for not standing up for the producers and telling Cablevision that the rules that they currently have in effect are illegal, unconscionable and tend to discourage people from wanting to be a public access user. So that suit is moving along and perhaps the whole Island will benefit from it with respect to the access rules.

Since I have a couple minutes, some of the things that I was going to say have already been said. I just want to- I do just want to urge you to get what is coming to this community from the franchise agreement, if not more. Cablevision does very well on Long Island. As you point out, they raise their rates regularly and they should be giving things back to the community even in excess of what's in the franchise agreement in my opinion.

What is public access? This meeting is public access. You're getting either the benefit or the annoyance of having your

constituents come up and make suggestions, criticisms, perhaps creative ideas as well. It was very convenient- "

Supervisor Kozakiewicz: "Well, I would hope they would do that regardless of the television being there but I think the fact that the television is there is a great thing and it's certainly not something that we'd like to see discontinued."

Robert Goldberg: "No. Regardless of whether there's a camera or not, town meetings are a form of public access before technology gave us television. That was my point. You're having the public in, we can have this exchange. I came here as a visitor. All I had to do was sign my name and address and give an indication of what I was going to speak about and here we're having a dialogue. And it should be the same way with the mass media that technology gives us. It should be just about as convenient. If I say something outrageous, the Chairman probably has a switch that can turn me off, as he should."

Supervisor Kozakiewicz: "No. We had that as a proposed idea a few years ago and it was about \$1,600 and the Board didn't want to spring for it at that point in time."

Councilman Densieski: "Some of the Board."

Supervisor Kozakiewicz: "Yes."

Councilwoman Sanders: "Try again."

Councilman Densieski: "Yeah, it's a good idea."

Robert Goldberg: "That outrageous amount wasn't from Cablevision's proposal- okay, I'm being facetious. Public access should be convenient, inexpensive and available on a first come first served basis essentially as we're doing here on an open mike. And I think we can all see the benefits of that."

Now public access is a little bit freer than a town meeting. But at the same time there are limitations on what people can put on programs and there should be. But it is about the freest medium available on a mass system and what you get from freedom is the very best and the very worse in my experience. Okay? So I don't watch most of what's on public access, I don't recommend it. But amongst those programs is also the best, things that we need to hear. We really need to hear from the person who talks about UFO's. We need to

hear from the person who questions vaccinations. You won't hear that done anywhere else.

So I urge you to appreciate the value that public access has and try to get everything you can from Cablevision. They're doing very well here."

Supervisor Kozakiewicz: "Thank you. I'm going to ask you to sum up, Mr. Goldberg."

Robert Goldberg: "I'm sorry?"

Supervisor Kozakiewicz: "I'm going to ask you to sum up. We do have a five minute rule."

Robert Goldberg: "Yes, of course. Okay. If the town attorney wants the benefit of our lawsuit, they're public papers, and I certainly- "

Supervisor Kozakiewicz: "I think I have a copy of it actually."

Robert Goldberg: "Okay. Very good. Thank you for your time."

Supervisor Kozakiewicz: "You're welcome."

Councilwoman Sanders: "Thank you."

Councilman Densieski: "Mr. Supervisor, could I ask you a question? If the UFO station was on the same time as the Town Board meeting, which one would be more popular?"

Supervisor Kozakiewicz: "I'm not going to answer that. Vasso Patrikis."

(There was a problem with the CD)

Vasso Patrikis: "-- township. Having the two public access governmental channels back to back, not 70 and 59, 70 and 71 is a must. In the first place, I don't understand why you ever agreed to have 59 which is a game channel and all the seniors enjoy so much to watch those games. We should have 71 which is now a porn channel as a 24 hour PG channel. It was promised to us but they didn't keep their promise. You can't trust them. We don't need to have a porn channel.

Personally, I'm proud of my Greek heritage. Like everyone else,

we all come from different places in this world. We all can contribute to learn from each other's culture and that can happen with the public access channels.

There are many programs that I can put in if we have two PG channels, having good times, not 6:00 a.m. or 12 midnight or 3:00 a.m. Times that everybody will enjoy. Bob, with your Board, you have the power to shape our community and you can start by putting your foot down, and will all your Board members there, you have a lot of feet to put down. Tell Cablevision we want 71 as our second PG channel. I'm asking to be in the committee on the Cablevision matter so our community can have true public representation.

I'm asking you publicly, I don't know what you decide to do. I- you need to have someone that is not a politician or was not ever a politician or something. You need somebody from the public. If you believe in the freedom of speech, to have a public access channel it's a must. You can- I mean I don't want you to rescind whatever the girl said before but I don't think you will and I know your Board has done wonders and I'm very, very happy to see that. But this Cablevision matter is a (inaudible). All right? I'm tired, for the past two years to talk about it. I want it to finish. I want it to get over with. You cannot allow them to walk all over you and made decision and tell you this and that. That's what we want and that's what you promised and that's what we should get.

I mean, I know, for so many groups that they can put special events that will benefit everybody and that's on the public access channel. I personally can be- I mean I have, every place that I know, there is another one, 34, 35; 56, 57; every public access channel is back to back. They try to put things together. All right? So, why do we have 71 and 59? I don't understand that. 59 is a wonderful channel for all the seniors to watch the game channels that they love. Why take away the games and not take away the porn? What would you chose? Take the games away that everybody enjoys or take the porn channel? Because it's very profitable for Cablevision not to give it up but it's not a matter of what is profitable. It's what is good for the people.

And I know, I know really, I mean, I can see that you're working very well, I'm very proud of your Board and I know that you will do the right thing. And if your interest is first for us the people that we elected you and we put you in that position, then you are going to do the right thing and you are going to get 70 and 71.

So, you think about my proposition that I want to be on the committee."

Supervisor Kozakiewicz: "Thank you."

Vasso Patrikis: "Thank you very much."

Supervisor Kozakiewicz: "Anybody else who has not handed up a card who would like to speak tonight during open comment period? Yes? Mrs. Lindstrom."

Kathy Lindstrom: "Kathy Lindstrom, Calverton. I just have two questions. What is happening next to Stoves and Stones on 25?"

Supervisor Kozakiewicz: "It's a company PRG Corp. that's looking to do a trade shop and as part of their trade shop application there was some drainage areas and other things that they had shown on a site plan for re-excavation. I think it was, if my memory serves me right, there's 60 or 70,000 cubic yards, if I'm right, and they were required to pay the \$.50 per cubic yard fee. They did pay that."

Kathy Lindstrom: "What is a trade show?"

Supervisor Kozakiewicz: "Like building materials and building trades."

Kathy Lindstrom: "Stone?"

Supervisor Kozakiewicz: "Like a Stoves and Stone."

Kathy Lindstrom: "All right. And their building is going in?"

Supervisor Kozakiewicz: "That's where it's going to go, yes. Correct."

Kathy Lindstrom: "My other question was on Resolution #2?"

Supervisor Kozakiewicz: "It's going to be tabled, I think. But you can comment. You are talking about the CDA resolution?"

Kathy Lindstrom: "The (inaudible)?"

Supervisor Kozakiewicz: "Yes."

Kathy Lindstrom: "All right. Is this going through Burman or

on town property?"

Supervisor Kozakiewicz: "This proposal was for it to happen on town property."

Kathy Lindstrom: "Does this involve a change of zone?"

Supervisor Kozakiewicz: "That's part of the issue whether they need it. They have asked as part of the agreement that a change of zone occur if they need it for the Article 10 process."

Kathy Lindstrom: "And is this based on a 250 megawatt or a 500?"

Supervisor Kozakiewicz: "I think the application was for 500 if my memory serves me right. It was 500. The town attorney is shaking his head. Yes."

Kathy Lindstrom: "Okay. Was any consideration taken with the amount of pollution levels with the Town Board?"

Supervisor Kozakiewicz: "We have not asked him to do a study at this point. It would be part of the Article 10 process, the public siting process."

Kathy Lindstrom: "I noticed that Councilman Densieski and Councilwoman Blass, you're the Chairperson and you second- does this mean you're in favor of it?"

Councilman Densieski: "It just means that the Town Clerk put our names on to offer for the CDA Director, I guess."

Councilwoman Blass: "I'm glad you brought that up because very frequently people assume that there is some immediate connection between something- someone who offers a resolution and someone who seconds it and it's really just an arbitrary assignment by the Clerk."

Councilman Densieski: (Inaudible)

Kathy Lindstrom: "Okay. I noticed that on the top you have the RDC with what it creates and everything and it's supposed to be job creation. Do you know how many jobs AES would create for the town?"

Supervisor Kozakiewicz: "What they told us, about 50."

Kathy Lindstrom: "And #3, quality of life preservation. How- I don't know, quality of life?"

Councilman Densieski: "I don't know, I guess when you turn your air conditioner on, there's a certain quality of life with that, too."

Kathy Lindstrom: "But, can you go outdoors? I mean, we're talking major emission from a 500 megawatt plant."

Councilman Lull: (Inaudible)

Councilman Densieski: "What's that, Jim?"

Councilman Lull: "That's all taken care of in- "

Supervisor Kozakiewicz: "Okay. We hear your point and obviously you're opposed to us every considering it."

Kathy Lindstrom: "You know I am opposed."

Supervisor Kozakiewicz: "Yes."

Kathy Lindstrom: "Will there be public hearings on this again?"

Supervisor Kozakiewicz: "If this gets passed, there will need to be because as with any Community Development Agency property as you probably well know, we have to do a qualified and eligible sponsorship hearing. So, yes, there would be."

Councilwoman Blass: "There are many unanswered questions at this point."

Kathy Lindstrom: "How does this- "

Supervisor Kozakiewicz: "And also there's the public hearings as part of the Article 10 process as Councilman Lull has pointed out. That's the siting board for the state."

Kathy Lindstrom: "There was one other question but I forgot it. Oh, dear. Okay, thank you."

Supervisor Kozakiewicz: "You're welcome. Anybody else who would- yes, Eve Kaplan, please."

Eve Kaplan: "Thanks. Eve Kaplan, North Fork Environmental

Council. Actually I have some questions about the AES contract as well. Is any material besides the three pages that AES presented to the I think it was to the RDC or to the Planning- the Town Board. Has anything written been available to the public for review, any part of this contract?"

Supervisor Kozakiewicz: "Well, since we're in negotiations, obviously that would not be subject to disclosure at this point in time."

Eve Kaplan: "Right. That's what I thought. Because there are some key elements that were being discussed, for example, in work session such as the issue of whether or not AES would be agreeing to a covenant that there would never be a coal fired plant on that site- "

Supervisor Kozakiewicz: "Or a nuclear plant."

Eve Kaplan: "Or a nuclear plant exactly. Some buffer discussions and reuse scenarios, so- where does that stand?"

Supervisor Kozakiewicz: "I can tell you that as far the covenant, it has been made abundantly clear that if they would not agree with that, that in and of itself would be a deal breaker."

Eve Kaplan: "Okay."

Supervisor Kozakiewicz: "So I can tell you that."

Eve Kaplan: "Great. Well, I'm glad to hear that. Because I- we've been participating in- "

Supervisor Kozakiewicz: "And, you know, the reason for that is they sold us on a certain type of use."

Eve Kaplan: "Right."

Supervisor Kozakiewicz: "And that's the use they want and if, you know, their argument which is, well, somewhere down the road it might be okay to do nuclear, it might be okay to do another power source. Well, you can come back and visit the Town Board at that time if this goes through and then change the covenants."

Eve Kaplan: "Right. Because we participate in something we call the Sustainable Energy Alliance of Long Island, it's a broad coalition. There's the American Lung Association, there are

environmental groups, cancer groups, broad, and we've been meeting with LIPA and there's a lot of talk that this is obviously for a merchant power company to build a plant. This is the best site on Long Island that Riverhead has so I just want to encourage you, again, to- as far as good buffering, low population. And this is what the power plants are talking about, power companies.

So I just want to again encourage the town to drive as hard a bargain on this as you can because this is the largest environmental issue to come up this decade and it's going to have the biggest impact on us with public health, quality of air, water, and I've done a lot of research into Article 10 and if you're interested in hearing about it, I'd love to meet with you on it. But it's a very complex, it's a very legalistic process. It's very expensive. It's almost impossible for citizens groups to participate without paying many thousands of dollars to hire a lawyer just right off the bat, before any public money is available for support.

And often towns actually get involved as intervenors in this process and I wonder how the town of Riverhead as the seller of land to the project, how that might change your relationship as far as your oversight capacity when this project is being developed."

Supervisor Kozakiewicz: "Points that certainly need to be considered and are well taken."

Eve Kaplan: "Okay. I just had a quick about- you're the lead agency for the River Club condominium project, is that correct? What's the closing date for comments on that. We've had some confusion."

Supervisor Kozakiewicz: "I think it was the 15th, was that Friday? We closed the public hearing on February 5th and based upon the closure it would be 10 days thereafter, I think was the closing of the written comment period. It's 10 business days as I understand it. Correct?"

Eve Kaplan: "So the hearing was held- "

Supervisor Kozakiewicz: "The 5th of February."

Eve Kaplan: "Okay."

Supervisor Kozakiewicz: "That's the first Wednesday of the first week, correct?"

Eve Kaplan: "Okay. And the written comment is- "

Supervisor Kozakiewicz: "Well, the public hearing was closed and then, I think, under SEQRA there's a timetable that's spelled out, I think it's 10 days."

Eve Kaplan: "Well, it's 30 days from the adoption of the draft statement. We don't do that."

Supervisor Kozakiewicz: "I'm sorry. What was the question? You know what? Rick, would you come up and address this question because I thought we said 10 days from the close of the public hearing as far as comments on this aspect of the project."

Rick Hanley: "I recall that the date of the draft EIS hearing was the 5th of February."

Supervisor Kozakiewicz: "Right."

Rick Hanley: "And we allowed for 10 days for additional comment to come to the Board- "

Supervisor Kozakiewicz: "It should be February 15th."

Rick Hanley: "-- to the lead agency. Right. That date of February the 15th was the same date- is she referring to SEQRA time frames? I feel kind of uncomfortable dealing with SEQRA time frames when I don't have a calendar in front of me and the law in front of me. But I do remember on that day I did advise the Chairman of that hearing to hold it open for 10 days which the law states, which I think Eve knows, and there is another time frame from when we have to accept a final impact statement. So if she would like to come to my office, we can talk about these time frames. I have no problem with it. But without a calendar, I don't want to put into the record a statement that's not correct."

Supervisor Kozakiewicz: "Fine."

Rick Hanley: "All right. But I feel comfortable that what we're doing at this point with this particular project follows the SEQRA time frames that are in the law."

Supervisor Kozakiewicz: "Thank you."

Councilman Lull: "Rick, can I ask you, quickly. Because two

people have said different things. You said 10 days, Bob said 10 business days."

Rick Hanley: "There is minimum- it says a minimum of days after the close of the hearing. A minimum."

Councilman Lull: "It's not 10 business days."

Rick Hanley: "It doesn't say either days or business days."

Councilman Lull: "Okay. Because if it were business days, it would have been today."

Rick Hanley: "All right?"

Eve Kaplan: "Um, okay, actually I wasn't implying that there was any wrongdoing on anyone's part. I just had some people calling me who would like to submit comments and I wanted to find out how they could still do that and how that would work into the process now."

Um, I'd also like to find out about the possibility of seeing a resolution sometime soon about entering into contract negotiations with Calverton Motor Sports. There were some people here at the last town board meeting in support of equestrian activities at the former Grumman site and for- as far as public discussion on this issue will be- will there be any opportunity, will there be any hearing or any period for written comments?"

Supervisor Kozakiewicz: "We last left off with the Board asking for information from the Motor Sports individuals and the Board wanted to make sure that they had a chance to fully digest everything before we took any further action either yea or nay. So the only thing I can say at this point in time is we need to make sure that we're fully familiar with all of the information that was previously provided and I think we're all doing that as we speak. I can't tell you exactly when it will come up. I really can't."

I know that on another issue which is a hearing we had last time, Chapter 107, for example, which is the wetlands ordinance, there was a lot of comment and as a courtesy I ask the Board to, you know, make sure that we've all had a change to review- especially me, I wanted to make sure I thoroughly reviewed it, understood how it was changed from the previous law and what the impacts were.

So, I can't speak for the other Board members except to say that

we all asked for the information; we're all digesting it and then I assume at one of the work sessions that it will come up, maybe the next one, maybe the one after that, maybe the one after that. There will certainly be a discussion with respect to this project."

Eve Kaplan: "Okay. So that will be- because it would be helpful if there would be an effort to let the public know in advance when that discussion is coming up if that's possible."

Supervisor Kozakiewicz: "I'm not sure if I understand what you're asking. This particular project unlike any other project, you would like us to- I think whenever we vote on any of these we bring them to work session, and we discuss them at work session. I mean I don't know what the suggestion is."

Eve Kaplan: "Well, for example, when something is discussed at a Monday morning work session and there's no agenda that's available to the public beforehand, it's really not possible for anyone- "

Supervisor Kozakiewicz: "Well, we do resolutions Monday. We do resolutions Monday; Thursday we go through agenda items and there is an agenda that's published and it sets forth the items that are being considered."

Eve Kaplan: "Right. You do accept when there's also meetings like that with Calverton Motor Sports on a Monday morning which obviously is not just for resolution but also a discussion of other business, you know, that people would like to come and hear just like they come on Thursdays. So, this project is not different from any other project. In fact, it would be great to get better previous notice of all projects, that agendas could come out maybe the day before the meetings rather than the morning of."

Supervisor Kozakiewicz: "We're trying to do that. One of the things I've asked is that all resolutions be in my office by Friday with the hope that the agenda can, in fact, be printed out on Monday sometime during the day and, therefore, available to the public."

Eve Kaplan: "Okay. That would be great."

Supervisor Kozakiewicz: "Thank you."

Eve Kaplan: "Um, and lastly, I justly wanted to ask about the if the Reeves golf exemption will be voted on tonight."

Supervisor Kozakiewicz: "My anticipation as I indicated earlier today when I made my comments before asking people to come up is that, yes, it is likely to come off the table which is where it is tonight."

Eve Kaplan: "Okay. Um, okay, um, because it just seems to me that although I understand that the moratorium language specifically allows for exemptions for projects that do have a 30% cluster with 70% open space, under the new master plan, a golf course will not be considered open space possibly. That's one of the possibilities that's being considered. So, it seems like a contradiction there. Does that make sense?"

Supervisor Kozakiewicz: "I understand your point. And I think the question that we're faced with is one that's dealing with the law on the books as it is- in the moratorium language on the books as it is and, of course, it's going to be up to the Board whether- it's not being approved by any means of the imagination."

The only thing that would occur today just so that we're clear is it would come off the table perhaps if there's three votes to do that, and then voted on as far as whether it will be allowed to proceed. There's no final action being taken today by any means of the imagination."

Eve Kaplan: "Okay. Um, and, lastly, um, I just wanted to make sure that you all received a letter that I submitted today regarding the Lowe's special permit petition and just to reiterate some of the statements that we made in this letter, just to bring to your attention some of the vagueness in this project that still remains even after the environmental review has been completed, that they clearly labeled on their site plan that there are two areas of future development which have not been considered. Those impacts have not been considered in the environmental impact statement, very similar to the situation in, for example, the Traditional Links case that was just decided in January. So- "

Supervisor Kozakiewicz: "Well, I beg to differ on the Traditional Links case as well as this one. I think that the SEQRA record did explore alternatives and other build-out scenarios and as far as Traditional Links, the only thing I'll say is the courts will sort out the argument and we'll see how that plays out and I thank you for your comments."

Eve Kaplan: "They certainly will. Then it is the town's responsibility to make sure that the environmental review is done

correctly and we just wanted to point this out now and not two years from now. Thank you."

Supervisor Kozakiewicz: "Thank you. Joan Griffin."

Joan Griffin: "Good evening, Joan Griffin, Baiting Hollow. Just to pick up a little bit on AES. I have a couple of questions. If it's being tabled, when will it come up again?"

Supervisor Kozakiewicz: "Same comment that I had for the prior speaker. I can't tell you."

Joan Griffin: "Okay."

Supervisor Kozakiewicz: "But I will do- I will try to do what I've done today which is to say just for public clarification. I anticipate the following resolutions to possibly have action taken on them. Because that's all that's possible with respect to the resolutions that are before us today, that there's going to be some action. I can't predict what it will be."

Joan Griffin: "Okay, thank you. Also, AES location at EPCAL, where are they looking to put the site possibly?"

Supervisor Kozakiewicz: "It would be in- "

Councilman Densieski: "West side- "

Supervisor Kozakiewicz: "-- yeah, adjacent to Burman's parcel, west of the 7,000 foot runway."

Councilman Densieski: "East of the 7,000 foot runway."

Supervisor Kozakiewicz: "I mean east, I'm sorry, yes."

Councilman Lull: "Yes, east."

Supervisor Kozakiewicz: "East of Burman's parcel. The area that's- "

Councilman Densieski: "West of Burman's parcel."

Supervisor Kozakiewicz: "Sorry."

Joan Griffin: "West of Burman- east of the 7,000?"

Supervisor Kozakiewicz: "The area that's between Burman's parcel and the 7,000 foot runway."

Councilman Lull: "Contiguous to the Burman property."

Joan Griffin: "Okay, thank you. Also, I thought if you were purchasing land at EPCAL it was 100 acre minimum? Wasn't that set way back in the beginning and there was a question brought up when the- "

Supervisor Kozakiewicz: "That came up with respect to the recreational zoning uses and with respect to a subdistrict which is the sports park. Correct."

Joan Griffin: "Okay, thank you. And, also is AES compatible with the incubator? Will they be near each other?"

Supervisor Kozakiewicz: "No."

Joan Griffin: "Not at all near each other?"

Supervisor Kozakiewicz: "The incubator is northeast. This is towards the Grumman Blvd., south."

Joan Griffin: "The incubator is going near the F-14 then, right?"

Supervisor Kozakiewicz: "That's right."

Joan Griffin: "And last question, the trade shop is what it's called?"

Supervisor Kozakiewicz: "Yes."

Joan Griffin: "Will that be landscaped instead of just being--"

Supervisor Kozakiewicz: "The site plan requires landscaping, yes."

Joan Griffin: "-- there. Okay, thank you very much."

Supervisor Kozakiewicz: "Anybody else? Yes, Sid Bail."

Sid Bail: "Sid Bail, Wading River Civic. I want to follow up on the AES. You said that a lot of things could be subject to negotiations with AES and I remember the- "

Supervisor Kozakiewicz: "I think we've been through about 20 different versions so far."

Sid Bail: "Right. But one of the early versions I think I experienced maybe a year more ago in a work session is a discussion of oil backup to natural gas. And I think it was Mr. Davidian (phonetic)-"

Supervisor Kozakiewicz: "Davidian."

Sid Bail: "Davidian, Davidian, sorry. And I think I made the point or that there's a large plant proposed in Yaphank over 500 megawatts and they have foregone the prospect of using oil as a backup even if it means downtime during the course of a year. And Mr. Davidian said that oh, no, they can't do that. They can say that but they can't do that. I believe they're still saying that. You might check with Supervisor LaValle because they had some hearings last week in Yaphank, a week- I don't know whether the PSC was conducting the preliminary hearings or what- "

Supervisor Kozakiewicz: "Well, it would be the probably the Article 10 siting board maybe."

Sid Bail: "It might have been the Article 10 siting board. Yeah."

Supervisor Kozakiewicz: "Okay. Okay."

Sid Bail: "I think it's a possibility that they can forego it. Thank you."

Supervisor Kozakiewicz: "Okay, thank you, Sid. Anybody else who would like to address the Board? Yes, a hand in the middle."

Gerald Basso: "My name is Gerald Basso, I reside in Calverton on Middle Road. I think I wrote you about three or four letters, Mr. Supervisor, and in it it describes the situations I have noted on some used car lots, cars parked on the sidewalk, cars parked in front of buildings, on the grass. And as I go along 58 as we see greater and greater amount of used- of car dealerships, (inaudible), the cars are put on the grass, it's getting closer and closer to the streets and it's going to interfere with some pedestrians. I know when they submit these plans, these free standing buildings, they haven't got cars on grass. They are grass, it's for grass. It makes a place look pretty. And when we accept those blueprints, we expect those people

to take a responsibility.

As yet, I don't see no changes in the dealership that I've been writing to you about. It's three times- "

Supervisor Kozakiewicz: "Yeah, on one of them-"

Gerard Basso: "It's been going on about two months and I- instead of getting better, it gets worse."

Supervisor Kozakiewicz: "One of the reasons we have the public hearing on earlier today to deal with site plan was just to address that particular problem. That if they have a filed site plan and they are in violation of the filed site plan, we now have what will hopefully be a clear violation of our ordinance that we can go to the court and ask the court to act upon."

One of the problems is that we didn't have that tool in the past as far as a clear tool. Now some of the site plans that we have approved recently we have put forth in those resolutions a condition that that area that's indicated as landscaped area or buffer area along Route 58 or otherwise, not be utilized for the storage or display of cars. So we have been specific in approving. And I can tell you that any future car dealerships if there are any that come to us for site plan approval, that will be a clear condition of any approval.

The one particular dealership that I think you're probably raising concerns about which is on the corner of Pulaski and Mill, I have asked the Building Department and one day they'll be off the sidewalk. One day the cars will be moved back and my Code Enforcement officers go out there every couple of days, every other week, we cite the individual with violations, we bring him to Justice Court, he pays the fines and then he goes back to doing the same thing. But we have been citing that particular individual repeatedly. He has received numerous violations so I know there does not appear to be any action taken, but just the contrary, we have the fellow in court quite often. We know him very well."

Gerard Basso: "It's disgraceful and it's a shame that a man, a businessman, has no respect for the law or for zoning or for the town, what they make a living from."

Councilman Lull: "Also I would like- "

Gerard Basso: "Excuse me."

Councilman Lull: "Go ahead."

Gerard Basso: "I'm sorry. And I wish- we do, can correct this soon, this way our town looks better. 58 is looking like car row and there's nothing wrong with it as long as it's done in the correct manner."

Councilman Lull: "One of the things that the Supervisor pointed out is that it's difficult if the site plan has been approved for a long time and we do not have the facility for punishment. However, there are at least two of these car dealerships who have come to the Town Board in the last few months and asked for a change in their site plan. They need to add a new building for repair or for sales and that type of thing. We have been telling them that part of the site plan approval, if we're going to approve an amended site plan, is going to be that a statement that they keep cars off the grass and in addition that the grassy area between their parking lot and the street would also include a split rail fence which would make it impossible to put the cars on it."

Gerard Basso: "Thank you very much for your attention."

Supervisor Kozakiewicz: "Thank you. Anybody else- I thought I saw a hand in the back. Anybody else who would like to address the Board who hasn't addressed the Board? Yes?"

Lee Askin: "Yes. Hi, my name is Lee Askin and I live on Riverside Drive. And I'd like to- "

Barbara Grattan: "Excuse me. What's your name again?"

Lee Askin: "Lee Askin. And I live on Riverside Drive. And I was sorry to hear that the discussion phase for the River Club project, you're not taking comments anymore."

Supervisor Kozakiewicz: "I- I- as I said, I don't recall the time period off the top of my head and I think what Mr. Hanley, the Planning Director, said is unless we can go back and actually look at a calendar and see what we set forth on the record, it's tough for us to- I seem to recall that we closed the public hearing on the 5th, therefore, the 10 days would have started running and, therefore, have been the 15th. Put your comments in anyway."

Lee Askin: "Okay."

Supervisor Kozakiewicz: "I'm just going to say put your comments in anyway and bring them to our attention."

Lee Askin: "Okay."

Supervisor Kozakiewicz: "All right?"

Lee Askin: "So I can't say anything. I have to have in- "

Supervisor Kozakiewicz: "No, no, please. You're up there."

Lee Askin: "Okay."

Supervisor Kozakiewicz: "Go ahead."

Lee Askin: "Good. Okay. As a resident of Riverside Drive, I read the environmental study today and I was pleased to see that many of the considerations had been addressed as far as the traffic issue, as far as the wildlife issue, as far as the pollution and the runoff issues.

I don't know that they are really taking into consideration as far as it needs to be considered and the National Estuary Program, this is quite a large plot of land and it would fall under the jurisdiction of that National Estuary Program for possible purchasing. It would be marvelous to turn it into a wildlife refuge and some kind of a nature center with a path or a science center at the heart of it and to keep it as much of a wildlife as possible.

It boggles my mind to think that 222 residences, that they feel there would be no substantial increase in the amount of traffic on that road and that the amount of water consumption would not really affect the area. I'm skeptical.

I can't always make these meetings. I travel an hour and a half each way to work and don't often get home in time to come to your meetings. But I frequently down by the water and see the wildlife that is down there and fearing 222 units is going to drastically change the environment and we have an opportunity to purchase it with monies that are available and I don't think we should let this opportunity go by."

Supervisor Kozakiewicz: "Okay. You understand that and I don't

know if there's an opportunity to purchase it because obviously the part of the policy of the state, county, and local governments has been to acquire open space or acquire development rights from farmland from a willing seller. So- "

Lee Askin: "He is not a willing seller- "

Supervisor Kozakiewicz: "I can't answer that. I'm just saying that you make that statement as if it is a fact and I'm not sure it is a fact so we have to clearly find out if that's true."

Lee Askin: "There seems to be a lot of old growth in that acreage and the waterways seem to be quite fragile as far as what kind of runoff and pollution could occur from the kind of building that they'd like to do. That might be an issue."

I understand that the kind of proposal that they make as far as having cluster development would be less impactful on the environment than single family dwellings might do more harm to the environment but that is a rather large pristine undeveloped area, the largest that are on the rivers- on the riverside- on the side of the river. And I think that this is perhaps our last opportunity to preserve something like that along the river's edge."

Councilwoman Blass: "Mr. Supervisor, I can just say that there is a comment in the DEIS stating that the applicant has not- or the owner has not ruled out the possibility of participating in a purchase program."

Lee Askin: "So that is an option?"

Councilwoman Blass: "I believe the owner has said he has not ruled out that as an option."

Lee Askin: "Okay. So is there anything that we can do in town to investigate that further?"

Supervisor Kozakiewicz: "Speak to the applicant."

Lee Askin: "Speak to the applicant?"

Supervisor Kozakiewicz: "Right. Or their attorney to see if there's an interest in selling. I think that's the first step if that's what the Board feels it's important based upon the comments that you've made today as far as the preservation of that parcel for-

due to its significance."

Lee Askin: "Well, we- I have been talking to some of the residents in the area. I don't think that people are aware that the comment period is closed on this parcel of land."

Supervisor Kozakiewicz: "As I said, if they want to put in comments, while they may not be an appropriate timetable as far as the SEQRA law is concerned, they'll still reach us and we'll look at them. Okay? Thank you."

Lee Askin: "Thank you."

Supervisor Kozakiewicz: "Anybody else who would like to comment tonight? If not, I'd like to take up resolutions and the first thing we'll do is adjourn the Town Board portion and take up the CDA portion, the time being 8:40 p.m."

Meeting adjourned: 8:40 p.m.

Meeting reopened: 8:41 p.m.

Supervisor Kozakiewicz: "Reconvene the Town Board portion. Barbara?"

Resolution #167

Councilman Lull: "167 approves the special permit of Headriver LLC. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Sanders: "Comment."

Supervisor Kozakiewicz: "Go ahead."

Councilwoman Sanders: "Yes? I'm going to attempt to be brief because I believe that my colleagues will have comment as well so rather than to take up a lot of time. I want to go on the record as saying that I have given my best effort and focused on some of the issues that were presented during- in this application and in this

project. And there are some areas that concern me still and in my opinion they are very significant areas.

I'd like to just cite a couple of them. There are many, I cannot be totally inclusive of all those items but the ones that were of importance to me in the application process, the most obvious was that a garden center was never included in the application process. It was considered a display area and it was- the applicant would never agree to include that display area as a garden center. Therefore, that in itself changed the parking requirements for the entire project.

Also changed in the parking requirements if the applicant had included that area as a garden center and, therefore, the parking requirements would have changed, the drainage calculation would also have changed. I did not agree that the public's well-being is addressed in the application or I don't understand how the health, safety, welfare, comfort and order of the town has been protected when the project is sharing an entrance scheme, for example, with a facility that uses large heavy pieces of equipment. The entrance will be mixing residents with snow plows and tractor trailers and heavy machinery and kids and grandparents and I'm not comfortable with that combination.

I believe that the town had attempted to place a covenant and restriction- a restriction stating that any future development shall not include restaurant use and that was denied by the applicant. We attempted to work out several issues with buffering and landscaping, parking, again, to make it a safer and better environment for our community and that was also denied.

I am not convinced that the applicant has been sensitive to the critical issues, my critical issues, the town's critical issues, and that is my opinion and my determination. My job is to make the best decision that I can for this town and with the information before me and the information that I have had spent time reviewing, my vote is no."

The Vote (Cont't.): "Sanders- Blass."

Councilwoman Blass: "Comment, if I may, very briefly. As many of you know, I have participated in a review of this application while I was a member of the Planning Board which was charged at the time with making an advisory report and recommendation to this Town Board. And now as a member of the Town Board, I've also had the opportunity to review the entire record and have done so and my review has led me

to the following conclusions.

Firstly, I take issue with very specific and certain elements of the SEQRA record submitted in support of this application and I won't enumerate them but I believe there are some SEQRA considerations here.

Secondly, and equally important, is I believe that the applicant has failed to demonstrate to my satisfaction that the proposed use is justified in light of the number of units otherwise proposed, built or occupied or, in fact, vacant within the town. That is one of the listed special permit criteria and I don't believe he has demonstrated that that use that he's asking for is justified.

I know that the town should be considering and should decide the merits of an application or the town should decide the matter on its merits only and certainly the best interests of the community and our decision making shouldn't be distorted by what we think lawyers will or will not be able to argue in some future litigation. And I also appreciate the fact that the resolution has tried to factor in certain site plan conditions along with its special permit approval, but in light of my review of the record, I am not in a position and would not be in good conscience if I voted to support this resolution. My vote is no."

The Vote (Cont'd.): "Densieski."

Councilman Densieski: "I've got a question for the town attorney. Where we have a current restriction for restaurants, would that include- we briefly hit this in work session but I want it clarified on the record now, if possible. Where we condition no restaurants, would that include food courts?"

Sean Walter: "What we have it is that no restaurants as defined, let me find the exact language here- "

Councilman Lull: "No restaurant use as defined by the Riverhead zoning ordinance."

Sean Walter: "Zoning ordinance."

Councilman Densieski: "Okay. So my question once again is does that include food courts?"

Sean Walter: "We don't have the Riverhead- I can't tell you that right off the top of my head here."

Supervisor Kozakiewicz: "Industrial A zoning as far as uses so maybe that answers your question. It's what's allowed in Industrial A."

Sean Walter: "I'm going to have to take a second and take a look at this. If you want to- I'm not going to give you an answer just by looking at this in two seconds. So if you want to go on to the next resolution- "

Councilman Densieski: "I've got a couple other comments I want to make about it. Go ahead, carry on."

Sean Walter: "What are your other comments?"

Councilman Densieski: "Not to you. They're not- start reading. This resolution is far different than the resolution that originally came before the town. One of the things this includes is 20% landscaping, just like at Riverhead Center down the road. I think anything less would be wrong. Let's look at Billy Blake for any old Riverhead residents here. Billy Blake has a stretch of landscaping about that wide going down the front of Route 58 and when Billy Blake's closed up, what a beautiful sight that is. No offense to Brian, but. No, this has 20% landscaping which is a fair amount.

It also has the parking criteria that Home Depot has which is one stall for every 200 square feet. It also- this resolution also contains road improvements, which road improvements are going to have to be made and I believe that our commercial district is on Route 58. At the rate that we have residential housing going up in this town, an alarming rate, our tax base has to keep up with that. How does our tax base keep up with it? By expanding. Expanding commercial on Route 58 where it belongs. If this application was in another part of town, I would not be able to support it. But I think we should have our commercial district, our tax base, on Route 58.

The only thing I am concerned about is and if I was on the Town Board when Riverhead Center came along, I wouldn't be for restaurants there either. I believe restaurants should be downtown Riverhead. I would like to get an answer from the town attorney before I vote because I think that's an important issue for this resolution."

Supervisor Kozakiewicz: "Why don't we come back to you and we'll take up Jim's vote and my vote and, hopefully, at that point there will be an answer for you."

Councilman Densieski: "Fine."

The Vote (Cont'd.): "Councilman Lull."

Councilman Lull: "Following conditions that are listed as Ed has pointed out are much different from the conditions that were in the first resolution that we look at two months ago, whenever it was.

First of all, this one points out that all conditions set forth in the SEQRA findings statement, and that SEQRA findings statement was already accepted by the Town Board in last October and they shall prevail. Ed already pointed out that the parking schedule which we asked for, that we demanded, they did not exceed, it doesn't make any difference, it's still in here as a condition. Whether or not they decide they can deal with it, that's their problem. It's one per 200 instead of one per 300. It's one per 200. So it's significant parking.

The restaurant use and I believe that they will not find the term food court in any place in our code. I'm not sure of that, but I don't think you'll find any place in the code except for the overlay zone, the outlet overlay zone. I think that's the only place you'll find that. So I think that will be the answer to that.

However, restaurant use as defined in our zoning ordinance is not allowed on this property. That is also not something that they have agreed to or acceded to as far as I know. But the discussions have been ongoing, it is in our findings. And then three and don't belabor the point that Eddie already brought up- three very significant findings that deal with landscaping and the acceptability of the visual impact of this, screening and buffering and a significant amount of landscaping.

So along with the understanding that the Headriver construction shall be completed within two years of the passing of this resolution, that I find that most of what we have asked for in terms of- most of what we have asked for in terms of the up front negotiations with Lowe's, with Headriver are included in this resolution. They may not have been included or completed in the negotiations, but what we want is included in this resolution as such. I believe it's a resolution we should live with. I vote yes."

The Vote (Cont'd.): "Kozakiewicz."

Supervisor Kozakiewicz: "One thing attorneys are generally are

not noted for its brevity. I'll try not to be an attorney- I'm a recovering attorney. Someone said that the other day and I felt that was a great expression. I'm going to wear my Town Board hat. As a member of the Town Board, my job here is to look at this particular application and judge it by what the town code and what the New York State law say I should do. And I know that sounds like I'm mixing attorneys and Town Board hats again, but I'm not.

One of the things that we have to do is be consistent and one of the things that we've discussed and talked about before is quote unquote lumberyard use. With respect to a lumberyard use, we've already had this particular issue addressed two times prior, Home Depot application and the Riverhead Building Supply Corporation site on Pulaski Street. In both those instances, the lumberyard use was applied for that particular use and has been determined to be an appropriate description of use.

We talk about competition. I think it's like I said the other day. It's like McDonalds and Burger King coming in and we can't tell Burger King on the northeast corner you're okay, and McDonalds on the southwest corner, guess what, you can't come. We have to be consistent. And I think that's what was attempted to be done by this particular resolution.

There is also some discussion about, I think the point is segmentation perhaps, that all the uses haven't been totally analyzed. And in this regard I did go to the New York State Department of Environmental Conservation website and one of the first things you click on is segmentation and it says that an owner or an application does not have to define fully what's being done on that particular site and I'm only paraphrasing here. But what must be done by the Board is they must examine and (inaudible) environmental review, the totality of the development on that site and I believe we've done that.

I think that as pointed out by the other Board members to my left earlier, it provides for 20% landscaping, 200 square foot requirement- that for every 200 square feet of building area, a stall be provided. It also talks about the conditions that were set forth by the Suffolk County Planning Commission and one of the things I want to point out about that is a thing I mentioned already, that there is no requirement that an owner develop an entire tax lot at one point in time, that the future build out was considered by the traffic studies incorporated herein, and that we're looking at this and judging it by the current zoning in place. I know there's been some discussion

about well, how does it fit into zoning that may or may not take effect as a result of the plan that's being worked on by the town. Unfortunately, we can't judge it by that criteria. The law says that we have to judge it by the zoning that's in place now.

One of the things that we also asked as a condition is that the restaurants, or any restaurant use be covenanted against and that is provided for. Based upon those reasons, I vote yes. Ed?"

Councilman Densieski: "Sean?"

Sean Walter: "All right, Ed. With the help of our most distinguished Planning Director bailing me out here, I've got an answer for you. That's Rick Hanley, by the way.

Food courts are an accessory use to the manufacturer's F-Business F District Manufacturer's Outlet District. They are not an accessory use in this district. However, the- if we want to be safe, I mean if you want to, we can include the language food court. But it is not an accessory use in this district nor is it a permitted use in this district. It is only permitted in the Business F Manufacturer's Outlet District. So even if it wasn't in this language, it wouldn't be permitted in this district. But if you were so inclined, we- "

Councilman Densieski: "Well, if it's not permitted, it's not permitted. Is that right?"

Sean Walter: "That's right."

Supervisor Kozakiewicz: "That's right."

Councilman Densieski: "All right, good. Well done."

Sean Walter: "Thank Rick."

Councilman Densieski: "I'll vote then. Yes, I like to consider myself pro-business. I think many, many times Riverhead is- doesn't welcome business with open arms. I think we should. I think we should be more business friendly. It's- I don't think it's any of my business whether I think we need a Lowe's or not. I have my own opinion whether we need Home Depot or Lowe's and things like that in the area. I don't think that's our job but I do want to say that I think we need to welcome more business and big commercial box stores belong on Route 58, nowhere else. I'm going to vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #168

Councilman Densieski: "Authorizes the Supervisor to execute an agreement with CSEA for military leave. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #169

Councilwoman Sanders: "Authorizes the Supervisor to execute an agreement with SOA, Superior Officers Association, for military leave. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #170

Councilman Lull: "In case anybody's watching out, we just passed military leave resolutions for the CSEA and SOA and somebody might think about, hey, what about the other union. It's coming up later, PBA is coming up. They were together earlier.

170 is the authorization to discard fixed assets. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #171

Councilwoman Blass: "This authorizes the Supervisor to request a New York State speed zone change and that would take place on Middle Road from 40 miles per hour to 30 miles per hour. So moved."

Councilman Lull: "I'll second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "Yes. This is for Middle Road speedway. Yes."

The Vote (Cont'd.): "Lull."

Councilman Lull: "We must ask the New York State Department of Transportation to conduct a study and give us their opinions. That's the way a speed zone change must take place. That's what we're doing. Yes."

The Vote (Cont'd.): "Kozakiewicz."

Supervisor Kozakiewicz: "Yeah, just to follow on Jim's comments. They establish speed zones, the Town Board does not. And I think this is something we had meant to do much earlier and for some reason it got left out, so now let's get it done. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #172

Councilman Densieski: "Authorizes the Supervisor to execute an amendment to a local waterfront revitalization program, LWRP, agreement. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #173

Councilwoman Sanders: "This resolution is to grant real property tax exemption pursuant to New York Real Property Tax Law Section 577 to the Long Island Partnership Housing Development Fund Company, Inc. That is for a period of time that the Long Island Partnership Housing Development Fund actually owns the property. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #174

Councilman Lull: "Accepts the performance bond of Harborview Homes, Inc., 600 Middle Road, Riverhead. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #175

Councilwoman Blass: "This authorizes the release of performance bond of James Tsunis. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes."

Supervisor Kozakiewicz: "Yes. What's happening is we're releasing prior bonds that we accepted (inaudible). Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #176

Councilwoman Sanders: "Reduces performance bond of the Subdivision entitled Meadowcrest III at Hidden Acres for road and drainage improvements. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #177

Councilman Densieski: "Releases performance bonds of subdivision entitled Meadowcrest III at Hidden Acres, park and rec fees and water district key money. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #178

Councilman Lull: "Extends the bid contract for janitorial supplies for Center Moriches Paper Company. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #179

Councilwoman Blass: "This is an authorization to publish a bid for propane. So moved."

Councilwoman Sanders: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #180

Councilwoman Sanders: "Awards bid for sporting goods. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #181

Councilman Densieski: "181 is to reject and readvertise a bid for food. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski."

Supervisor Kozakiewicz: "Actually on this one, I think it should just say rejects bid because it's not actually authorizing the readvertisement. The next resolution does. So just so the title it should just say rejects bid. And I have a corrected copy that says that, Barbara."

The Vote (Cont'd.): "Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #182

Councilwoman Sanders: "Authorization to publish bid for food. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #183

Councilman Lull: "183 is wrong, yes. Rejects bid for meat and poultry. So moved. Oh, I'm sorry, Ed, that's yours."

Councilman Densieski: "Rejects- what he said. Rejects and readvertise bid for meat and poultry. So moved."

Councilman Lull: "Second."

Councilwoman Sanders: "No, no, not readvertise."

Councilman Lull: "Not readvertise."

Supervisor Kozakiewicz: "Just rejects bid."

Councilman Densieski: "Okay, rejects bid."

Councilman Lull: "Because the next one is readvertise. That's why I was looking-- "

Supervisor Kozakiewicz: "All right. Has it been moved and seconded?"

Councilman Lull: "Yes."

Supervisor Kozakiewicz: "Okay. Vote, please."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #184

Councilman Lull: "Now, 184 authorizes us to republish for meat and poultry. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #185

Councilwoman Sanders: "Authorizes the Town Clerk to advertise for Riverhead Water District bids Extension 69, the Preserve at Baiting Hollow. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #186

Councilwoman Blass: "This awards a bid for Birchwood at Wading River, Section 1, Riverhead Water District. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yet; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #187

Councilman Densieski: "Authorizes the attendance of two police officers at a training conference entitled Patrol Response to Violent School Incidents - Instructor's Certification. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #188

Councilwoman Sanders: "Approves request for military leave of absence. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #189

Councilman Densieski: "Appoints members to the Town of Riverhead/Suffolk County Economic Development Zone Administrative Board. And those members are George Nunnaro, a local businessman, and Tim Yousik, a local businessman. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #190

Councilwoman Blass: "This appoints a recreation specialist to the Riverhead Recreation Department, that person being Vanessa Tuomey. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #191

Councilwoman Sanders: "Appoints a recreation aide to the Riverhead Recreation Department, that person being Jennifer Guadalupi. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #192

Councilman Lull: "Appoints Leslie Miller as an aide to the Riverhead Recreation Department. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #193

Councilman Densieski: "Municipal garage building improvement capital project budget adjustment. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #194

Councilwoman Blass: "This approves the site plan of Rothe Renovations. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "I'm going to vote yes and ask that the Supervisor just mention what this is, if you don't mind."

Supervisor Kozakiewicz: "I certainly will."

Councilman Densieski: "Good. Yes."

The Vote (Cont'd.): "Lull, yes; Kozakiewicz."

Supervisor Kozakiewicz: "Yes. As pointed out, this is a site

plan for the corner building on the corner of East Main Street and Peconic Avenue, 1 East Main Street. There's been a plan submitted by the owner, Mr. Rothe, to restore the facade so that it would come back to the look it enjoyed, not the current look, but the look it enjoyed during the '30's and '40's. And as a matter of fact, one of the things we've asked as a condition here is that before there be an issuance of a CO or a use permit, that all the exterior improvements be done. And I wish him luck and hope it does come out as pretty as the picture that's in my room which was provided to me by the Suffolk Historical Society that depicts the building. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #195

Councilman Lull: "That site takes care of that corner. Here's another corner. It's the old soldier's home, the Bayview Hotel, S. Jamesport. Approves the site plan. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #196

Councilman Densieski: "Classifies action on special permit of a site plan of Amerada Hess Corp. Riverhead and refers petition to Riverhead Planning Board. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #197

Councilwoman Blass: "This resolution approves the dedication of highways known as Cottontail Court which is a part of Country Vue Estates. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #198

Councilwoman Sanders: "Declares significance of action on special permit site plan of Splish-Splash at Adventureland, Inc. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #199

Councilman Lull: "This is the third of our unions. Authorizes the Supervisor to execute a military, excuse me, an agreement with PBA for military leave. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #200

Councilwoman Blass: "This resolution establishes extension 68 to the Riverhead Water District also known as Farmers Field at Calverton. So moved."

Councilman Lull: "I'll second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes."

Councilman Lull: "Do we usually get to 200 in February?"

Supervisor Kozakiewicz: "That's because we have to do over a couple of them."

Councilman Lull: "Yes."

Councilwoman Sanders: "Do it until you get it right."

The Vote (Cont'd.): "Kozakiewicz, yes. The resolution is adopted."

Resolution #201

Councilman Densieski: "Is an order establishing Extension 69 to the Riverhead Water District at the Preserves at Baiting Hollow. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #202

Councilwoman Sanders: "Authorizes Town Clerk to post and publish public notice of public hearing to consider a proposed local law for an amendment of Chapter 101 Vehicles and Traffic of the Riverhead Town Code. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz."

Supervisor Kozakiewicz: "Yes. This resolution kind of goes hand in hand with or it does go hand in hand with the next one but this one is a step behind. It's calling for a public hearing to be held on the 19th of March to consider the placement of four stop signs- five, I'm sorry, I can't count. That's in Soundbreeze, Great Rock, Pansy Court, Great Rock Drive and Daisy Court, and that will be

at 2:05. That's an afternoon meeting, March 19th. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #203

Councilwoman Blass: "Yes. This adopts a local law to amend Chapter 101 entitled Vehicles and Traffic of the Riverhead Town Code. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz."

Supervisor Kozakiewicz: "Yes. This places a stop sign on Great Rock Drive with the intersection of Soundbreeze Trail. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #204

Councilman Densieski: "Authorizes the Town Clerk to publish and post a public hearing notice to consider the demolition/securing of building(s) owned by Doris Gatz pursuant to Chapter 54 of the code of the Town of Riverhead entitled Unsafe Buildings and Collapsed Structures. So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #205

Councilman Densieski: "Yeah, the increase and improvement of the facilities of the Riverhead Scavenger Waste District of the Town of Riverhead. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz."

Supervisor Kozakiewicz: "Yes. And it calls for a hearing on the 19th of March at 2:10 p.m."

Barbara Grattan: "The resolution is adopted."

Resolution #206

Councilwoman Blass: "This resolution would consider the Town Board processing of applications for residential site plan approval or for residential special permit approvals. This mimics a resolution that was recently passed by the Planning Board for subdivisions and this would provide that the Town Board in its discretion may continue to review pending applications if they so choose to do so on particularly special permits having to do with residential uses or residential site plans. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #207

Barbara Grattan: "Resolution #207, the authorization to pay bills."

Councilman Lull: "So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Councilman Lull: "207?"

Councilwoman Sanders: "That was 207."

Supervisor Kozakiewicz: "That was 207."

Councilman Lull: "Oh, you're right."

Barbara Grattan: "Floor resolution? I mean, the tabled resolutions."

Supervisor Kozakiewicz: "Whichever way you want to go. There's two tabled ones and there's one coming off the floor."

Councilman Lull: "And we have one coming off the floor."

Barbara Grattan: "Which one do you want to do first?"

Councilman Densieski: "We're going to have two coming off the floor. I'm going to move Resolution 81, it excludes subdivision of Reeves Golf from residential moratorium."

Barbara Grattan: "You've got to take it off the table though first."

Councilman Densieski: "Okay, I'll do that then."

Supervisor Kozakiewicz: "Is there a second?"

Councilwoman Blass: "Second."

Supervisor Kozakiewicz: "Moved and seconded to take it off the table."

Barbara Grattan: "Who seconded it?"

Supervisor Kozakiewicz: "Barbara did."

The Vote: "Sanders, yes; Blass."

Councilwoman Blass: "Just a brief comment. I agree that there are some mis- or shortcomings if you will in our local law that established the moratorium and inasmuch as we would like to perhaps ensure that everything that moves forward would comply with an anticipated master plan, the law is really not written that way and that's unfortunate and perhaps if we're ever in the position of having to extend the moratorium we may consider some- or I would like to

consider revising sections of that.

We did receive memorandum from counsel to the engineer consultant to the Planning Board to say that this preliminary plat did indeed conform to that exemption criteria as listed and I believe the town attorney verbally agreed with that conclusion. So inasmuch as-- may not necessarily like the idea, it does comply with the exclusion provision and I will vote yes."

The Vote (Cont'd.): "Densieski."

Councilman Densieski: "Yeah, I think Barbara summed it up about right. So I will vote yes."

Councilman Lull: "We are still moving to take it off the table, aren't we?"

Supervisor Kozakiewicz: "We're going to take it off the table. That's correct."

Councilwoman Blass: "Oh, so much for that."

Barbara Grattan: "We're taking it off the table."

Councilman Densieski: "Yes, off the table."

The Vote (Cont'd): "Lull."

Councilwoman Blass: "Yes, off the table."

Councilman Densieski: "Yes, off the table."

The Vote (Cont'd.): "Lull, yes; Kozakiewicz, abstain."

Barbara Grattan: "Now we're going to vote on the resolution. Who's going to introduce it?"

Councilman Densieski: "Resolution 81, so moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes."

Supervisor Kozakiewicz: "What we- just to be clear because there was another resolution that was prepared today which I think has some additional language on it as opposed to the tabled resolution- "

Councilman Lull: "I'm sorry. Did you move the amended resolution?"

Councilwoman Blass: "The amended resolution."

Supervisor Kozakiewicz: "There's an amended resolution that has some additional whereas- "

Councilman Densieski: "Okay."

Supervisor Kozakiewicz: "-- and an additional- "

Councilman Densieski: "-- is that still 81 or is it going to be- "

Supervisor Kozakiewicz: "It's still going to be 81 but it's going to be amended to reflect changes that provide for some additional insurances or covenants if you will- "

Councilman Densieski: "As amended."

Supervisor Kozakiewicz: "-- as amended that will perpetually restrict any residential development on the open space which has been depicted as an 18 hole golf course and associated amenities. So it's clear- "

Councilwoman Blass: "That's good. I'm glad you pointed that out. That is indeed correct. Thanks."

Supervisor Kozakiewicz: "Okay. Very good."

Barbara Grattan: "Okay, so everybody, Sanders is a yes; Blass is a yes; Densieski."

Councilman Densieski: "Yes."

The Vote (Cont'd.): "Lull, yes; Kozakiewicz, abstain. That resolution is adopted."

Barbara Grattan: "Now we have Resolution number 157, re-establishes terms and conditions for the town attorney. Councilman

Densieski, take it off the table."

Councilman Densieski: "Okay. I don't have it right in front of me but I'll move the town attorney's- "

Councilman Lull: "Bring it off the table."

Councilman Densieski: "-- I'll bring 157 off the table. So moved."

Supervisor Kozakiewicz: "Is there a second to take it off the table?"

Councilwoman Sanders: "Seconded."

Supervisor Kozakiewicz: "Okay. Vote, please."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. Resolution is off the table."

Councilman Densieski: "I would like to move 157 as amended."

Supervisor Kozakiewicz: "As indicated, the terms and conditions with respect to vacation would not be changed. It would remain as previously been established and not as previously set forth in the tabled resolution."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "So it's been moved and seconded as amended. Vote, please."

The Vote: "Sanders."

Councilwoman Sanders: "Yes, as amended."

The Vote (Cont'd.): "Blass."

Councilwoman Blass: "Yes, as amended."

The Vote (Cont'd.): "Densieski, yes; Lull, yes; Kozakiewicz, yes. That resolution is adopted."

Resolution #208

Barbara Grattan: "Now we have resolution #208 which is adopts the rate increase for WFT Data Services."

Councilman Lull: "Okay, if the Town Clerk could move this one she probably would, but I'll move it in her behalf."

Barbara Grattan: "You've got it."

Supervisor Kozakiewicz: "Is there a second?"

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Sanders: "What number is this, Barbara? I'm sorry."

Supervisor Kozakiewicz: "208."

Councilwoman Sanders: "Thank you. Yes."

The Vote (Cont'd.): "Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #209

Councilman Densieski: "Mr. Supervisor, I'd like to pull a resolution off the floor. I'm going to pass it down to my colleagues and ask that Barbara distribute these or set these out front. And I'll read the headline and briefly tell you what it is.

Directs certain zoning code amendments be prepared for upzoning Agricultural A and Residential A to a minimum of two acre lot sizes.

I apologize to my colleagues for bringing this off the floor but I really think this will at least get the ball in the court and possibly rolling. I'm- I took a ride around Riverhead as I normally do because I love this town and to see what's going on with residential subdivisions, I think is wrong. They're cookie cutter, box cutter houses, crammed into farm lots and the maximum build out of this town is going to be about 60,000 people unless we do something

about it today.

I recommend that the Board read this and I'd like to move this resolution 209."

Councilwoman Sanders: "I'll second it."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilman Densieski: "Barbara, could we just let the Board read it, please, another minute or two? Thank you."

Barbara Grattan: "Sure."

Councilwoman Blass: "May-- I have a question or ask a question?"

Supervisor Kozakiewicz: "Discussion."

Councilwoman Blass: "Discussion. Thank you."

Supervisor Kozakiewicz: "Yes."

Councilwoman Blass: "Actually it's for counsel. We had considered taking our agricultural element which had included an upzoning such as what's indicated here as well as upzoning other residential zones not just the agricultural zone, but all residential zones, that would be residence C from half acre to one acre as well, and it was the opinion of counsel at the time not yourself, of course, but that we were unable to do that because it would be considered a segmentation of the master plan process and under SEQRA we would have been vulnerable and I'm wondering if without- well, I'm just wondering if you have an opinion on how this would play out in that regard."

Sean Walter: "This was Dawn's recommendation- I mean, you discussed this with Dawn Thomas, this specific- "

Councilwoman Blass: "Actually at the time we discussed it with counsel to the Planning Board."

Sean Walter: "At this particular moment, I'm not going to be able to pass judgment on this."

Councilman Densieski: "Barbara, I'd just like to say one thing."

Councilwoman Blass: "Please."

Councilman Densieski: "I considered doing town-wide, too, because I also felt that but Ag A and Residential A can take up about 90% of what's left in this town, that's why I didn't include everything in there. But if you want to amend it to such."

Councilwoman Blass: "I think it would be inappropriate to include two out of the three residential use zoning districts."

Councilman Densieski: "Let's amend it."

Councilwoman Blass: "But I just continue to (inaudible). Thank you. And I would like to include that amendment if I could."

Councilman Densieski: "I would just like to say one other thing while the Board members are reading. We don't know when the master plan is going to be adopted. That's a fact. We don't know if it will ever be adopted because we don't know if there's going to be three votes for it, or does it take three or a super majority, I don't even know."

Supervisor Kozakiewicz: "It depends."

Councilman Densieski: "Okay, well, we don't know if there will ever be a new master plan adopted in this town and that's the facts. So in the meantime, we have to upzone. That's my personal feeling. The master plan could be a year or two years away, we don't know. And I don't think we have the farmland to and the time to waste. I think this has to be done now. 209."

Councilwoman Sanders: "Ed, I really appreciate you bringing this to the forefront. I think it's something that we have been- we know has been coming and I just- would you be opposed to tabling this for additional discussion. It's definitely something that we need to address. It brings it to the forefront and we could possibly bring it up again if you would be so inclined."

Councilman Densieski: "Rose, I don't- "

Supervisor Kozakiewicz: "It's been moved and seconded."

Councilman Densieski: "Yeah."

Supervisor Kozakiewicz: "So, I mean at this point, it's ready to move for a vote. I think if everyone has had a chance to read it and, of course, having seen it at this late hour, it's difficult to go through it and fully comprehend it and I would just make the following- no, I won't make the following comment, I will just ask if there's a vote. I'll make my comment at the time of vote. So if we're ready to take up the vote, I would ask that we move the vote along and do so so that we can conclude tonight's business."

The Vote: "Sanders."

Sean Walter: "I just want to make one comment on the segmentation. I think we need further review of this on the segmentation, so if you- if this resolution has been moved and seconded as it has been, it has not been amended, I believe that we have to address the segmentation issue with counsel to the Planning Board. I think it's a valid point. So with that being said, this has not been amended. It is on the table for a vote."

Councilman Densieski: "So let's vote on it."

Supervisor Kozakiewicz: "Unless there's a desire to table it, there's got to be a motion and second to table. It's been moved. We have an outstanding motion. You know, if there's a desire for someone to do that, we can, if there's some questions or issues. I know it's a laudable purpose for which it's been put forth and it's always been something that we've tried not to do to bring resolutions from our hip pocket and I'm not pointing any fingers. I know I've been beat over the head pretty hard for doing just what we're doing here and I think that while a purpose is laudable, while a purpose is great, it doesn't change the underlying fact that we were looking to avoid this type of occurrence because as we've been told, I think repeatedly, it takes away the opportunity of the public to comment and it takes away the opportunity for us to have give and take in a chance for us to discuss it during work session. But there is a motion, there's a second, and if there's preparation to go forward- go ahead."

Councilman Lull: "One more item for discussion. Something like this needing an EAF."

Sean Walter: "I don't think that you can do this in 60 days. You have to go through SEQRA."

Councilman Densieski: "All the SEQRA and everything is in this, if you read it, the very last- "

Councilwoman Blass: "It says that will be subject to environmental review."

Councilman Densieski: "Subject, right."

Councilwoman Blass: "But it also says that once we do it, we have 60 days and I don't know- "

Sean Walter: "Right. There's no way to get through this in 60 days, SEQRA."

Supervisor Kozakiewicz: "Well, I think everybody would love this but- "

Councilwoman Blass: "I just don't want to be vulnerable- "

Councilman Densieski: "I understand."

Councilwoman Blass: "- that we're doing something that we may get challenged on. I'd rather do it right and if it just means either even two weeks to clarify some of this issues, I would rather that we have a stronger leg to stand on than shoot from the hip here and sort of rush into that."

Supervisor Kozakiewicz: "Well, saying that, is there a motion-"

Councilwoman Blass: "I would like to make a motion to table it."

Supervisor Kozakiewicz: "Is there a second?"

Councilwoman Sanders: "Second."

Supervisor Kozakiewicz: "Okay. Motion and second to table. Vote, please."

The Vote: "Sanders."

Councilwoman Sanders: "Yes, to table."

The Vote (Cont'd.): "Blass."

Councilwoman Blass: "Yes, to table."

The Vote (Cont'd.): "Densieski."

Councilman Densieski: "The Town Board members are right that we should probably put this to work session and it should be give and take and it should be fine tuned probably better than I did it. But I think the issue has come forward now. I think this issue is going to be here until it's resolved."

I'd just like to point out one other thing. There's no other town on the east end that has our zoning. Everybody's got two acre zoning. So, guess where they're going to be building? With that said, I'm going to vote no just because I introduced the resolution."

The Vote (Cont'd.): "Lull."

Councilman Lull: "Yes. I'm going to vote yes, Ed, and it obviously makes a lot of sense that you brought it up since it's being discussed in the master plan discussions. However, I have a real serious problem with two acre zoning. That is not what I believe we should be doing. I would much prefer to see one acre plots on half the property. You know, 10 or 20 acre lot, I'd much prefer to see 10 lots, 10 houses clustered on 10 acres and have 10 acres open."

Councilman Densieski: "That won't control maximum build-out though."

Councilman Lull: "Yes, it will. Yes, it will."

Supervisor Kozakiewicz: "Your vote, Jim."

Councilman Lull: "I did already."

Supervisor Kozakiewicz: "Oh you did. I'm sorry. I missed it."

Councilman Lull: "I voted yes. Yes, to table."

Supervisor Kozakiewicz: "Yes, to table on his. Okay. Since I didn't introduce this resolution, I also vote yes, to table. For the reason that we've had and all the banter and discussion that we've had prior to our votes."

Barbara Grattan: "The resolution is tabled."

Supervisor Kozakiewicz: . "Any other business? And I'm afraid to ask."

Councilman Densieski: "Motion to adjourn."

Supervisor Kozakiewicz: "Second? Second by anybody."

Councilwoman Blass: "Second."

Supervisor Kozakiewicz: "All right. Thank you everybody."

Meeting adjourned: 9:30 p.m.

Cou

*Barbara Dutton
Town Clerk*